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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC
'Television without Frontiers', as amended by Directive 97/36/EC, for the period 2005-
2006**

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BACKGROUND DOCUMENT 1: Performance indicators

The following indicators facilitate the evaluation of compliance with the proportions referred to in Article 4 and 5 of the Directive. Indicators 2 – 5 are based on criteria set out in Articles 4 and 5. All performance indicators allow compliance to be assessed at both Member State and Community level.

General indicator

Indicator 1: Number of channels covered by Articles 4 and 5¹.

Indicator 1 was calculated for each Member State and for all Member States taken together.

These figures were obtained by determining the total number of channels identified by Member States less the number of non-operational channels (NO) and the number of channels that were exempted (EX) due to the nature of their programmes (news, sports events, games, advertising, teletext services or teleshopping) or due to legal exceptions:

- Article 9 of the Directive: television broadcasts that are intended for local audiences and do not form part of a national network;
- Article 2(6) of the Directive: broadcasts intended exclusively for reception in third countries, and which are not received directly or indirectly by the public in one or more Member States;
- Recital 29 of Directive 97/36/EC: channels broadcasting entirely in a language other than those of the Member States should not be covered by the provisions of Articles 4 and 5.

Channels for which Member States did not communicate data for Articles 4 or 5 (NC) were included.

Indicators concerning Article 4 (European works)²

Indicator 2: Average transmission time reserved for European works.

Indicator 2 is presented as an average proportion for each individual channel, for each Member State and for all Member States taken together.

It is obtained by determining the average transmission time reserved for European works as referred to in Article 6 by each channel covered by Article 4 for which data were communicated ('reported channels') and by comparing that figure with the total qualifying transmission time.³

The Member State averages are based on the average proportions of all channels covered by Article 4 for which data were communicated ('reported channels') by the Member State concerned.

The EU averages are based on the Member State averages.

¹ See Chart 1 and Table 1 in Background Document 2.

² See Table 2 in Background Document 2.

³ I.e. total transmission time excluding the time reserved for news, sports events, games, advertising, teletext services and teleshopping.

Indicator 3: Compliance rate of channels achieving or exceeding the majority proportion of European works.

Indicator 3 is presented for each Member State and for all Member States taken together.

It is obtained by determining the number of channels achieving the majority proportion (more than 50%) under Article 4 and comparing that figure with the number of channels covered by Article 4 (Indicator 1). The channels for which no data were communicated (NC) are thus considered non-compliant for the purpose of this indicator.

The EU averages are based on the Member State averages.

Indicators concerning Article 5 (European works made by independent producers)⁴

Indicator 4: Average transmission time, or alternatively, average proportion of the programming budget allocated to European works by independent producers (independent productions).

Indicator 4 is presented as an average proportion for each individual channel, for each Member State and for all Member States taken together.

It is obtained by determining the average transmission time, or average programming budget, reserved for European works by independent producers on each channel covered by Article 5 for which data were communicated ('reported channels') and by comparing that figure with the total qualifying transmission time.

The Member State averages are based on the average proportions of all channels covered by Article 5 for which data were communicated ('reported channels') by the Member State concerned.

The EU averages are based on the Member State averages.

Indicator 5: Compliance rate of channels in achieving the minimum proportion of independent productions.

Indicator 5 is presented for each Member State and for all Member States taken together.

It is obtained by determining the number of channels achieving the minimum proportion of at least 10% under Article 5 and comparing that figure with the number of channels covered by Article 5 (Indicator 1). The channels for which no data were communicated (NC) are thus considered non-compliant for the purpose of this indicator.

The EU averages are based on the Member State averages.

Indicator 6: average transmission time allocated to recent European works by independent producers (recent works).

Indicator 6 is presented as an average proportion for each individual channel, for each Member State and for all Member States taken together.

⁴ See Tables 3 and 4 in Background Document 2.

It is obtained by determining the average transmission time reserved for recent European works by independent producers on each channel covered by Article 5 for which data were communicated ('reported channels') and by comparing that figure with the transmission time reserved for all independent productions.

The Member State averages are based on the average proportions of all channels covered by Article 5 and for which data were communicated ('reported channels') by the Member State concerned.

The EU averages are based on the Member State averages.

In order to better evaluate actual developments in the broadcasting of recent works, the EU average figures for recent works were also compared with total qualifying transmission time.⁵

⁵ See Chart 2, Background Document 2.

BACKGROUND DOCUMENT 2: Charts and tables on the application of Articles 4 and 5

Chart 1

Indicator 1: Channels covered by Articles 4 and 5 (Community level)

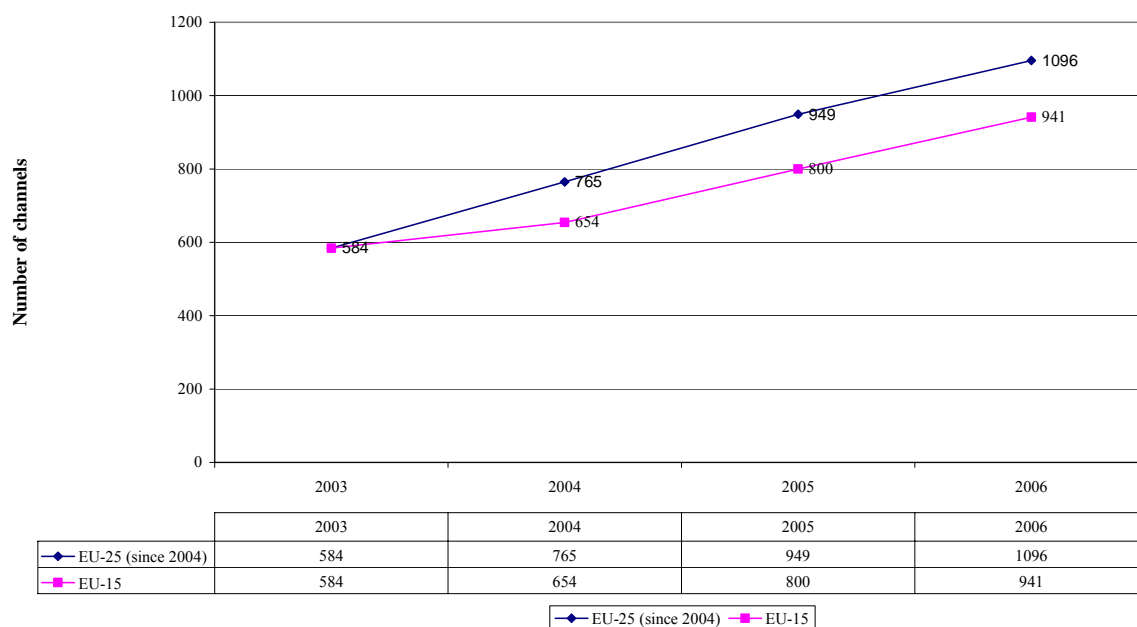


Table 1

Indicator 1: channels covered by Articles 4 and 5 (Member State level)

Table 1	IND 1: number of covered channels					IND 1
Year	2003	2004	2005	2006	Evolution*	MS
BE	22	33	43	44	22	BE
CY		5	5	5	0	CY
CZ		12	25	28	16	CZ
DK	15	16	17	18	3	DK
DE	26	28	37	41	15	DE
EE		3	3	3	0	EE
GR	12	12	40	38	26	GR
ES	45	46	48	56	11	ES
FR	84	89	92	100	16	FR
IE	4	4	4	5	1	IE
IT	95	87	109	133	38	IT
LV		10	5	5	-5	LV
LT	[4]	4	4	4	0	LT
LU	10	10	13	14	4	LU
HU		15	22	22	7	HU
MT	[5]	5	5	5	0	MT
NL	49	55	65	85	36	NL
AT	8	11	12	11	3	AT
PL		44	50	53	9	PL
PT	12	15	13	13	1	PT
SI	[9]	9	27	27	18	SI
SK		4	3	3	-1	SK
FI	6	7	9	9	3	FI
SE	11	16	24	32	21	SE
UK	185	225	274	342	157	UK
Total	584	765	949	1096	512**	EU-25
	584	654	800	941	357	EU-15
		111	149	155	44	EU-10

* over 4 years (2003-2006) for EU-15; since 2004 for EU-10

** includes 111 channels for EU-10 as of 2004.

Chart 2

Development of main indicators from 2003-2006 (Community level)

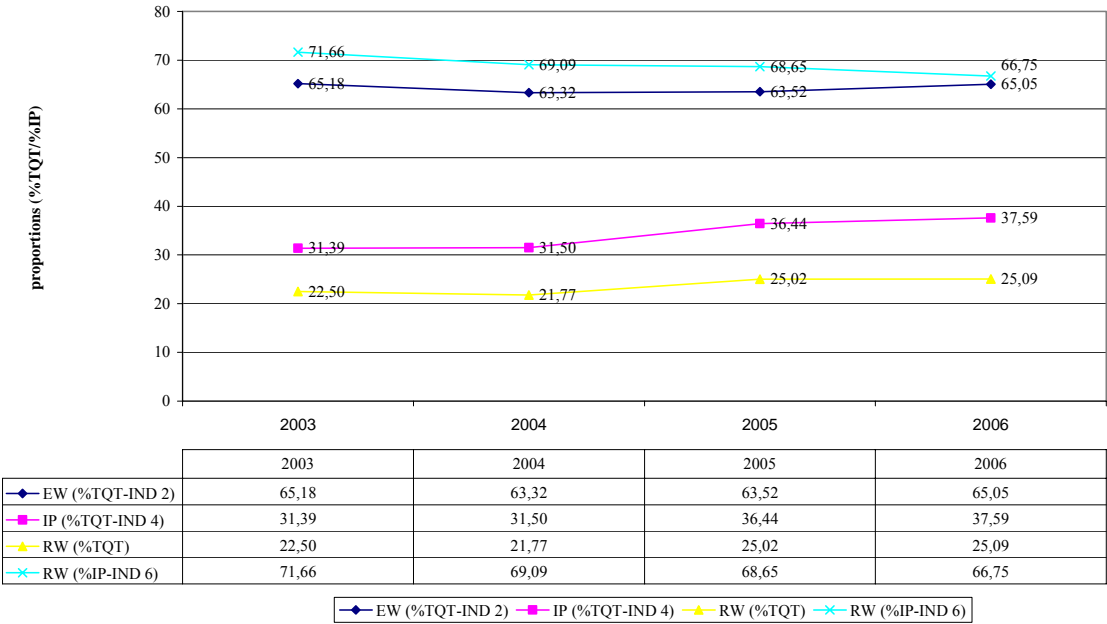


Table 2

Indicators 2 and 3: European works (Member State level)

Table 2	IND 2: European works (EW — Article 4)					IND 3: compliance rate		IND 2/3
Year	2003	2004	2005	2006	Evolution*	2005	2006	
BE	58.32	53.50	58.33	63.96	5.64	88	88	BE
CY		50.34	58.50	69.76	19.42	60	80	CY
CZ		49.12	62.95	79.92	30.80	36	79	CZ
DK	86.20	86.33	81.14	80.92	-5.28	76	78	DK
DE	63.57	65.53	61.78	60.69	-2.88	62	54	DE
EE		61.77	61.80	62.73	0.96	67	100	EE
GR	68.44	71.04	60.71	55.47	-12.97	60	58	GR
ES	60.92	59.87	63.55	60.52	-0.40	75	73	ES
FR	69.90	70.40	70.81	73.30	3.40	93	94	FR
IE	52.75	52.25	52.25	55.20	2.45	50	60	IE
IT	58.81	62.00	61.41	60.91	2.10	68	61	IT
LV		63.29	64.52	62.49	-0.80	100	80	LV
LT	[49.75]	53.45	53.48	46.98	-6.47	50	50	LT
LU	64.67	62.44	65.48	67.06	2.39	85	71	LU
HU		66.94	71.95	76.93	9.99	68	86	HU
MT	[75.01]	77.44	76.99	78.53	1.09	100	100	MT
NL	71.78	65.58	66.38	70.26	-1.52	51	68	NL
AT	72.76	73.72	65.63	68.36	-4.40	67	64	AT
PL		77.77	80.18	81.07	3.30	88	89	PL
PT	64.56	62.32	66.15	68.62	4.06	69	77	PT
SI	[49.62]	53.23	47.31	52.28	-0.95	30	41	SI
SK		64.33	63.80	62.27	-2.06	100	100	SK
FI	77.50	70.48	69.33	69.56	-7.94	78	78	FI
SE	53.49	56.90	51.06	45.44	-8.05	46	41	SE
UK	54.00	53.00	52.56	53.02	-0.98	48	52	UK
EW	65.18	63.32	63.52	65.05	-0.13	68.60	72.88	EU-25
		64.36	63.10	63.55	-1.63	67.73	67.80	EU-15
		61.77	64.15	67.30	5.53	69.90	80.50	EU-10
IP	31.39	31.50	36.44	37.59	6.20	69.49	71.85	EU
RW (%TQT)	22.50	21.77	25.02	25.09	2.59	n.a.	n.a.	
RW (%IP)	71.66	69.09	68.65	66.75	-4.91			

* over four years (2003-2006); since 2004 for EU-10

Table 3

Indicators 4 and 5: European works by independent producers (Member State level)

Table 3	IND 4: EW by independent producers (IP — Article 5)					IND 5: compliance rate		IND 4/5
Year	2003	2004	2005	2006	Evolution*	2005	2006	
BE	32.36	32.74	58.78	53.00	20.64	93	79	BE
CY		43.86	9.70	6.48	-37.38	20	20	CY
CZ		22.46	33.94	35.03	12.57	20	61	CZ
DK	15.81	19.93	28.98	33.17	17.36	47	56	DK
DE	35.98	40.99	64.11	65.10	29.12	92	93	DE
EE		31.03	46.10	48.87	17.84	100	100	EE
GR	25.67	26.31	18.29	19.51	-6.16	50	47	GR
ES	31.36	30.17	41.05	39.46	8.10	88	89	ES
FR	41.16	45.80	53.64	52.38	11.22	77	76	FR
IE	27.25	24.00	26.50	34.40	7.15	100	100	IE
IT	23.78	25.00	14.16	11.54	-12.24	47	41	IT
LV		42.66	33.28	31.92	-10.74	100	100	LV
LT	[25.95]	34.05	25.68	23.15	-10.90	75	75	LT
LU	26.78	25.11	57.63	54.66	27.88	85	86	LU
HU		33.64	43.38	53.91	20.27	64	91	HU
MT	[39.84]	38.14	42.76	44.96	6.82	100	100	MT
NL	32.50	33.42	39.45	49.60	17.10	81	88	NL
AT	44.95	46.38	49.65	52.19	7.24	100	100	AT
PL		27.69	26.66	25.99	-1.70	88	85	PL
PT	27.66	25.57	23.69	30.31	2.65	85	85	PT
SI	[17.12]	16.24	18.49	20.04	3.80	37	48	SI
SK		25.75	25.40	26.01	0.26	100	100	SK
FI	30.63	29.96	44.11	45.11	14.48	89	100	FI
SE	43.00	36.67	57.14	53.12	10.12	92	94	SE
UK	32.00	30.00	28.51	29.72	-2.28	68	66	UK
IP	31.39	31.50	36.44	37.59	6.20	75.92	79.20	EU-25
		31.47	40.38	41.55	10.16	79.60	80.00	EU-15
		31.55	30.54	31.64	0.09	70.40	78.00	EU-10
RW (%TQT)	22.50	21.77	25.02	25.09	2.59	n.a.	n.a.	EU
RW (%IP)	71.66	69.09	68.65	66.75	-4.91			

* over four years (2003-2006); since 2004 for EU-10

Table 4

Indicator 6: Recent European works by independent producers (Member State level)

Table 4	IND 6: Recent EW by IP (RW as a % of IP — Article 5)					IND 6
Year	2003	2004	2005	2006	Evolution*	MS
BE	89.00	87.39	85.61	83.23	-5.77	BE
CY		22.20	100.00	90.96	68.76	CY
CZ		70.26	57.06	52.19	-18.07	CZ
DK	84.78	80.10	70.82	64.83	-19.95	DK
DE	71.53	73.11	67.11	64.72	-6.81	DE
EE		89.30	26.13	30.77	-58.53	EE
GR	31.87	34.74	28.64	34.02	2.15	GR
ES	73.50	74.84	71.10	69.53	-3.97	ES
FR	64.93	61.30	59.34	56.80	-8.13	FR
IE	97.50	97.50	28.50	24.80	-72.70	IE
IT	70.59	69.95	65.76	67.71	-2.88	IT
LV		NC	85.20	81.68	n.a.	LV
LT	[87.00]	88.50	90.00	92.50	4.00	LT
LU	50.00	51.00	55.65	57.86	7.86	LU
HU		64.17	74.14	71.46	7.29	HU
MT	[50.21]	80.80	82.20	54.46	-26.34	MT
NL	74.42	78.10	89.50	86.78	12.36	NL
AT	80.83	84.94	71.23	73.83	-7.00	AT
PL		58.41	52.72	59.18	0.77	PL
PT	82.68	73.52	90.17	93.50	10.82	PT
SI		69.33	55.45	55.88	-13.45	SI
SK		100.00	100.00	100.00	0.00	SK
FI	64.14	66.63	76.11	76.78	12.64	FI
SE	71.17	53.92	66.23	55.76	-15.41	SE
UK	68.00	63.00	67.63	69.58	1.58	UK
RW	71.66	69.09	68.65	66.75	-4.91	EU-25
		70.00	66.23	65.32	-6.34	EU-15
		67.57	72.29	68.91	1.34	EU-10

* over four years (2003-2006); since 2004 for EU-10

BACKGROUND DOCUMENT 3: Application of Articles 4 and 5 in each Member State

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INTRODUCTION

This text complements the Eighth Communication from the Commission to the Council and to the European Parliament on the application of Articles 4 and 5 of Directive 89/552/EEC⁶ ('Television without Frontiers', hereinafter 'the Directive'), as amended by Directive 97/36/EC⁷, drawn up pursuant to its Article 4(3).⁸ The Eighth Communication, covering years 2005-2006, outlines the Commission's opinion on the application of Articles 4 and 5 at Community level and presents the principal conclusions that can be drawn from the Member States' reports. The present document (Background Document 3) contains a detailed analysis of the application of Articles 4 and 5 in each Member State under the reporting obligations for the reference period.⁹

The Commission is responsible for ensuring the correct application of Articles 4 and 5 of the Directive in accordance with the provisions of the Treaty. According to Article 4(3) of the Directive, the Member States are obliged to provide the Commission with a report every two years on the application of Articles 4 and 5. Summaries of these reports are reproduced in Background Document 4.

The present document comprises two parts:

Part 1 — Application of Articles 4 and 5: general remarks;

Part 2 — Application of Articles 4 and 5: detailed analysis for each Member State.

⁶ OJ L 298, 17.10.1989.

⁷ OJ L 202, 30.07.1997.

⁸ Articles quoted without further specification are Articles of the Directive.

⁹ Voluntary reports by Bulgaria and Romania are presented in Background Document 5.

1. Application of Articles 4 and 5: general remarks

The following general remarks concern the different methodologies used by each Member State when applying Articles 4 and 5 of the Directive.

Although further efforts seem to be needed in some of the Member States, monitoring practice improved in general, including the monitoring of commercial channels and, in particular, satellite channels. The increased number of monitored channels reflects an ever-growing number of private broadcasters entering the market.

The dynamic development of the sector is further mirrored in the Member States' reports. For the first time, channels broadcasting in Digital Video Broadcasting-Handheld (DVB-H) are listed in a Member State's report. Italy's statistical statement featured four such channels (Sky Cinema Mobile, Sky Sport Mobile, Sky Vivo Mobile, Sky Show Mobile). Some Member States have also included on-demand channels in their reports: for example, the Netherlands reported the 'Arrivo on demand B.V.' and 'Chellomedia Programming b.v.' channels, while Belgium included the channel 'SiA a la demande' in its report, while citing the reservations expressed by the channel as to the possibility of applying Articles 4 and 5 to its format.

1.1. Monitoring and control methods

The Member States' reports refer to various methods for the monitoring and control of compliance with the requirements of Articles 4 and 5. In most cases, the assessment of the data is the responsibility of the national or federal authority in charge of audiovisual matters. In the vast majority of Member States, the collection of data is left to the broadcasters, who submit their data to the responsible authorities. In a few cases, monitoring is carried out by private research companies, which then submit the data to the responsible authorities. Additional monitoring methods include monitoring of programmes, sampling — regular or random — as well as surveys. The form of monitoring and control may differ in some Member States according to the type of channel (public service or commercial) or the means of transmission (terrestrial or satellite). In this context, the Commission reiterates that the obligation under Article 4(3) of the Directive applies to all television programmes falling within the jurisdiction of the Member State concerned, irrespective of the type of channels or the means or modes of transmission (terrestrial, satellite, cable, broadband; analogue and/or digital).

1.2. Reasons for non-compliance

In general, the reasons given for non-compliance with the proportions required under Articles 4 and 5 of the Directive are the same as those expressed during the previous reference period. They are summarised below in order of occurrence:

- Programme orientation and special-interest nature of the channel

A significant number of reports explain the non-compliance of certain channels with the required proportions by the fact that they mainly broadcast music, films, children's programmes or other special-interest material (niche channels). This reason may be accepted only if specific substantiated arguments are given. Generally, the reports remained rather laconic in this respect. Therefore, it should be pointed out that such channels are not entitled to a general ex-ante exemption from their obligation to broadcast the required proportions of

European and independent works, which applies each year for each channel covered by Articles 4 and 5.¹⁰

- Higher costs of European programmes

Given the objective of Articles 4 and 5 to foster the European audiovisual media industry, this reason cannot be taken into account.

- Subsidiaries of non-EU companies

The reasoning behind this argument is that such channels are very likely to use their own catalogue material, which results in lower proportions of European works. In this respect, it should be pointed out that the ownership of a given channel does not constitute an objective criterion exempting it from its obligations under the Directive.

- Groups of channels belonging to the same broadcaster achieve the required proportions when taken together, but not individually;

Some of the Member State reports point out that groups of channels belonging to the same broadcaster comply with the proportions when their figures were taken together, even though some individual channels fail to meet the requirements. This argument implies that monitoring should apply to the broadcaster rather than each individual channel. Such an approach may have an impact on competition between the various market participants. In some cases, it may lead to the results of ‘small’ (in terms of audience share) channels or special-interest channels being artificially aggregated with those of ‘major’ general interest channels. It may also encourage scheduling European works on one or more specific (and less watched) channels. In this respect, it should be observed that, whereas Article 4(1) speaks of ‘broadcasters’ having to reserve proportions of their transmission time, Article 4(3) refers to ‘television programmes’ as regards monitoring the achievement of the required proportions. Consequently, broadcasters have to ensure that the proportions are achieved by each channel broadcast.

- Progress achieved

According to Article 4(3), the Commission may ‘take account in its opinion, in particular, of progress achieved in relation to previous years’ as regards compliance with Articles 4 and 5. In line with the principle of progressive improvement, some Member States have introduced in their legislation ‘non-slip-back’ clauses for channels that fail to meet the proportions, in addition to the existing rules.

- The recent nature of the channel

Given the ever-growing number of newly emerging channels in the market, the recent nature of the channels is often put forward by the Member States as a reason for non-compliance. In accordance with Article 4(3), the Commission may take account in its opinion of the particular circumstances of new television broadcasters. It should be noted, however, that many of the new entrants in the market quickly achieve the proportions required under Articles 4 and 5 in their first years of operation.

¹⁰ See Indicator 1, Background Document 1.

- Specific market conditions during the reference period

Some Member States indicate in their reports that events of major importance, such as the Olympic Winter Games and the Football World Cup, predominated in 2006. As these events do not count towards the qualifying time for achieving the proportions required under the Directive, their transmission on major channels narrowed the margin within which European works and independent productions could be placed. In this respect, it should be pointed out that the importance of news, sports, events, games, advertising, teletext services or teleshopping in a channel's schedule does not have any effect on the relative compliance with the thresholds set for qualifying transmission time, even if in absolute terms the opportunities for scheduling European works may be reduced.

- Low audiovisual production capacity or restricted language area

Some Member States hinted at difficulties encountered by broadcasters under their jurisdiction which are due to their limited market size or linguistic situation. According to Article 4(3), the Commission may take account in its opinion of the specific situation of countries with a low audiovisual production capacity or restricted language area of a Member State.

- Changes in methodology (abandoning the 3% audience threshold)

One Member State referred to the impact of the change in methodology since the last report. While previously channels with less than a 3% audience share were excluded from consideration under Article 4, the methodology was changed in the last report to present the average proportions of European works on all channels covered by Article 4. As a result, the Member State concerned considered that the report failed to record properly the major contribution made to European production by broadcasters under its jurisdiction. In this respect, it should be recalled that the previous methodology was adopted because at the time channels with audience shares below 3% were considered to be of marginal importance. With the considerable increase in the number of channels, this consideration is no longer justified. Nevertheless, for ease of comparison, Background Document 7 lists the channels with audience shares above 3% and their respective proportions of transmission time reserved for European works.

1.3. Measures envisaged or adopted to remedy cases of non-compliance

The Member States referred to different types of measures that were either envisaged or already taken in cases of non-compliance with the required proportions. In most cases, the Member States chose to hold talks with the channels/broadcasters concerned. In some cases, broadcasters were given a formal notice or subjected to specific monitoring. Only a minority among the Member States explicitly mentioned that their legislation provides for administrative or penalty procedures. These procedures may result in fines or, in some cases, as a last resort, the withdrawal of licences. As in the previous report, only a few cases were mentioned where measures had already been taken at the time of reporting.

In this regard, the Commission would like to insist on the need for the Member States concerned to improve their enforcement measures against channels in breach of the Directive, in order to ensure, where practicable and by appropriate means, that the proportions of transmission time laid down in Articles 4 and 5 are achieved. Especially in cases where channels continuously fail to meet the proportions — and the number of such channels is

significant — only stricter enforcement of the rules in place can ensure the effective implementation of Articles 4 and 5 at Member State level.

1.4. Conclusions

It has to be stressed that this is the first report containing statistical statements for the entire reference period from the 10 Member States that joined the European Union in 2004.

In general, with an increasing number of covered (and reported) channels, in both the EU-15 and the EU-25 as a whole,¹¹ the national reports indicate satisfactory application of the provisions of Article 4, although there remains ample room for improvement. 15 of the EU-25 Member States increased their average majority proportion during the reference period (2005-2006). In the EU-15, eight Member States were able to increase their percentages from 2005 to 2006. Nonetheless, over a medium-term perspective, looking at the previous reference period and the subsequent development, the majority of Member States have not seen any increase in the figures regarding the 50% proportion European works. Correspondingly, only twelve Member States increased their average majority proportion either during the four years 2003-2006 or from the beginning of reporting in 2004.¹² This negative impression is slightly mitigated when taking into account that nine Member States saw only a decrease of five or fewer percentage points over the four years.

As regards Article 5 (European works made by independent producers), 15 of the EU-25 Member States increased their average proportions for independent productions during the reference period. Over four years (2003-2006),¹³ the percentages fell in only seven Member States, whereas the 18 other Member States saw often quite substantial increases. It may also be noted that 18 Member States were able to stabilise their performance regarding independent works at well above 25% — in other words one quarter — of total qualifying transmission time. Despite the fact that a number of channels faced significant losses and given that Article 5 stipulates a minimum proportion of only 10%, this is a significant development, showing the positive effects of the progressive achievement approach.

2. Application of Articles 4 and 5: detailed analysis

2.1. Belgium¹⁴

Flemish Community

The total number of channels identified was 38 in 2005 and 34 in 2006. Six channels were reported to be non-operational in 2005 and two in 2006.

European works

The reported¹⁵ channels broadcast an average of 47.77% and 58.35% European works in 2005 and 2006, respectively, representing an average 10.58 percentage point increase over the reference period and an increase of 1.7 points over four years (2003-2006).

¹¹ See Background Document 2, Chart 1.

¹² The latter applies to the 10 Member States that joined the European Union in 2004.

¹³ From 2004 onwards for the EU-10.

¹⁴ Two separate reports were received from the Flemish and the French Communities. This distinction is therefore reflected in the present analysis. However, the figures were aggregated for the purpose of assessment at Member State level in Background Document 2.

For 2005, of the total of 27 covered¹⁶ channels, 11 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 13 were well below the target. For 3 channels, no data were communicated. The compliance rate, in terms of number of channels, was 41%.

For 2006, of the total of 27 covered channels, 11 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while nine did not. For seven channels, no data were communicated. The compliance rate, in terms of number of channels, was thus 41% for the entire reference period.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 67.23% in 2005 and 64.65% in 2006, representing a decrease of –2.58 percentage points over the reference period but a very significant increase of 32.89 points over four years (2003-2006).

For 2005, the compliance rate, in terms of number of channels, was 85%, meaning that 23 channels covered by Article 5 exceeded the minimum requirement. Only one channel (Canvas) missed the target. Three channels communicated no data. The average proportions ranged from 12.7% to 98%.

For 2006, the compliance rate, in terms of number of channels, was 70%. Of the total of 27 channels covered, 19 exceeded the minimum of 10% (percentages ranging from 10.4% to 97%). Again, only one channel (Canvas) did not meet the minimum proportion. The data for seven channels were not communicated.

The proportion of recent works among all independent productions reached a remarkably high level, with an average of 93.80% and 95.98% in 2005 and 2006, respectively, representing an average increase of 2.18 percentage points over the reference period.

French Community

The total number of channels identified was 24 in 2005 and 21 in 2006. The report exempted two channels in 2005 and four channels in 2006. Six channels were not operational in 2005.

European works

All the reported channels had an average of 68.88% and 69.56% European works in 2005 and 2006, respectively, representing an increase of 0.68 percentage points over the reference period and a 9.29 point increase over four years (2003-2006).

For 2005, of the total of 16 covered channels, 15 channels exceeded the 50% minimum under Article 4 of the Directive, while one channel (Club RTL) fell short. The compliance rate, in terms of number of channels, was 94%.

¹⁵ ‘Reported’ channels are those for which data were communicated by the Member States.

¹⁶ The term ‘covered’ channels refers to the total number of channels identified less the number of non-operational and exempted channels, see Indicator 1, Background Document 1.

In 2006, of the 17 covered channels, 16 channels achieved the majority proportion. No data were communicated for one channel. The compliance rate, in terms of number of channels, was again 94%.

The report explains that the three channels RTL-TVI, Club RTL and PLUG, belonging to the broadcaster TVI s.a., together devoted 49% transmission time to European works in 2005. Thus, when taken together, they exceeded the national minimum of 41.6% set for the Belgian French Community. The Commission recalls that the proportion specified in Article 4(1) applies to each of the television channels falling within the jurisdiction of the Member State concerned.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 50.33% in 2005 and 41.34% in 2006, representing a -8.99 percentage point decrease during the reference period and an increase of 10.21 points over four years (2003-2006).

In 2005, the compliance rate was 100%, meaning that all 16 covered channels exceeded the minimum proportion specified in Article 5 of the Directive (percentages ranging from 10.75% to 96.98%).

For 2006, the compliance rate fell to 88%. Of the total of 17 covered channels, 15 exceeded the 10% minimum. One channel was below the target, and another did not communicate any data.

The average relative proportion of recent European works by independent producers for all channels was 77.41% in 2005 and 70.47% in 2006, representing a decrease of -6.94 percentage points over the reference period.

2.2. Cyprus

European works

The total number of reported channels covered by Article 4 over the reference period was five (out of a total number of seven channels identified). These channels broadcast an average of 58.50% and 69.76% European works in 2005 and 2006, respectively. This represents a significant 11.26 percentage point increase over the reference period and a considerable increase of 19.42 points since the beginning of reporting in 2004.

Two channels — Sigma during the entire reference period and CyBC-2 in 2005 only — did not reach the 50% minimum. The report indicated that the orientation of CyBC-2 towards sports and recreation programmes explained its failure to achieve a majority proportion. Concerning Sigma, the report emphasised that in comparison to the last report the channel had significantly increased its proportion of European works.

For 2005, of the total of five covered channels, three achieved the majority proportion of transmission time specified in Article 4, while two did not. The compliance rate, in terms of number of channels, was 60%.

For 2006, of the total of five covered channels, four channels achieved the majority proportion, while one channel failed to do so. The compliance rate, in terms of number of channels, rose to 80%.

The Commission would point out that the proportion specified in Article 4(1) applies each year to each of the television channels falling within the jurisdiction of the Member State concerned. At the same time, it acknowledges that Cyprus is a country with a restricted language area and takes note of its efforts to increase the proportion of European works.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 9.70% in 2005 and 6.48% in 2006, representing a decrease of -3.22 percentage points over the reference period but a significant decrease of -37.38 points since the beginning of reporting in 2004.

For both 2005 and 2006, the compliance rate, in terms of number of channels, was 20%, meaning that only one among the five channels covered by Article 5 exceeded the minimum proportion of 10%. Average proportions ranged from 0.6% to 35.40% in 2005 and from 0% to 23.40% in 2006.

During the reference period, only one channel met the requirement in Article 5 of the Directive. The report mentions the intention of the Cypriot authorities to encourage broadcasters to raise the percentages of transmission time devoted to independent works. The Commission reiterates that the proportion specified in Article 5 has to be met by all television programmes of a broadcaster falling within the jurisdiction of the Member State concerned. It takes note, however, of the fact that Cyprus is a country with a low audiovisual production capacity and welcomes the Cypriot authorities' efforts in this respect.

The average relative proportion of recent European works by independent producers was 100% in 2005 and 90.96% in 2006, representing a -9.04 percentage point decrease within the reference period but a very significant increase of 68.76 points since 2004.

Despite the low figures for independent productions in general, the proportion of recent works among independent works has reached a remarkably high level.

2.3. Czech Republic

Of the total of 32 channels identified, two channels were exempted in 2005 and four in 2006, while five channels were not yet operational in 2005.

European works

All reported channels broadcast an average of 62.95% European works in 2005 and an average of 79.92% in 2006. This represents a significant 16.97 percentage point increase over the reference period and an even greater increase of 30.80 points since the beginning of reporting in 2004.

For 2005, of the total of 25 covered channels, nine channels achieved the majority proportion of transmission time specified in Article 4 of the Directive. Three channels (HBO, HBO 2 and Cinemax) were below this target. No data were communicated for 13 channels. The compliance rate, in terms of number of channels, was 36%.

In 2006, 22 of the 28 covered channels achieved the majority proportion of transmission time specified in Article 4, while four channels — the same channels as in 2005 and a new channel Nonstop kino — did not. Two channels did not communicate any data. The compliance rate, in terms of number of channels, rose to 79%.

The report indicated that a majority proportion of European works could not be achieved by channels focusing exclusively on film. This was justified by the situation in the market, where the supply of high-quality, commercially successful films of European origin apparently did not meet the demands of these channels.

In this respect, the Commission would like to point out that the minimum proportion specified in Article 4(1) applies to all television programmes of a broadcaster falling within the jurisdiction of the Member State concerned.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels in 2005 was 33.94%. In 2006, it rose to 35.03% (an increase of 1.09 percentage points over the reference period). This represents an increase of 12.57 percentage points since the beginning of reporting in 2004.

The compliance rate, in terms of number of channels, was 20% in 2005 and 61% in 2006, respectively. Although no channel was below the minimum proportion in 2005, no data were communicated for 20 channels. In this respect, the Commission would point out that the reporting obligation under Article 4(3) of the Directive applies to each of the television channels within the jurisdiction of the Member State concerned. At the same time, the Commission acknowledges that in 2006 the number of channels for which no data were communicated went down to two.

The report indicated that the failure to reach the minimum proportion was due in particular to regional broadcasters that broadcast mainly regional information services. To the extent that such channels can be considered to be ‘intended for local audiences’ (and thus ‘sub-regional’),¹⁷ the Commission observes that such channels might be exempted from the reporting obligation, in accordance with Article 9 of the Directive.

The Commission takes note that the Council for Radio and Television Broadcasting is in the course of preparing a methodological instruction explaining the requirements under Articles 4 and 5 of the Directive, which will focus mainly on the terrestrial regional broadcasters and selected satellite broadcasters.

The average relative proportion of recent European works by independent producers for all channels reported was 57.06% in 2005 and 52.19% in 2006, representing a -4.87 percentage point decrease over the reference period. For 2005, no data were communicated for 20 channels. In 2006, this was the case for only seven channels.

2.4. Denmark

Out of 27 channels identified, six channels were exempted in 2005 and eight in 2006. Four channels were not operational in 2005, while one channel was not operational in 2006.

¹⁷ See point 2.2. of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the ‘Television without Frontiers’ Directive of 11 June 1999.

European works

All reported channels broadcast an average of 81.14% European works in 2005 and an average of 80.92% in 2006. This represents a slight decrease of -0.22 percentage points over the reference period, and a decrease of -5.28 points over four years (2003-2006).

For 2005, of the total of 17 covered channels, 13 achieved the majority proportion of transmission time specified in Article 4 of the Directive. Four channels (TV 2, TV 2 Zulu, TV 2 Film, Kanal 4) were below this target. The compliance rate, in terms of number of channels, was 76%.

In 2006, 14 out of 18 covered channels achieved the majority proportion of transmission time specified in Article 4, while the remaining four — the same channels as in the previous year — did not. The compliance rate, in terms of number of channels, was 78%.

The report gave no explicit reasons for the four cases of non-compliance. It only generally stated that TV Zulu, TV 2 Film and Kanal 4 broadcast less than 50% European works in 2006. Furthermore, it indicated that TV 2 increased the percentage dedicated to European works to 49% in 2006.

The Commission acknowledges that Denmark is in the specific situation of a country with a low audiovisual production capacity and restricted language area. Yet, one of the channels that failed to meet the majority proportion (TV 2 Zulu) did not show any improvement in its scheduling of European works over the longer term. This channel has decreased its proportions of European works over the last two reference periods (2003-2006). At the same time, TV 2 has only slightly (0.2 percentage points) increased its broadcasting of European works in the current reference period. As pointed out in the last report, Denmark should take appropriate measures to ensure that the channels concerned achieve the proportion set in Article 4(1) of the Directive, in line with the principle of progressive achievement.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 28.98% in 2005 and 33.17% in 2006, representing a 4.18 percentage point increase over the reference period, and an increase of 17.36 points over four years (2003-2006).

For 2005, the compliance rate, in terms of number of channels, was 47%. Nine channels failed to achieve the minimum proportion specified in Article 5 of the Directive, while eight exceeded it.

In 2006, the compliance rate was 56%. Ten channels exceeded the minimum proportion and eight were below it.

The Commission would like to stress that the minimum proportion of transmission time specified in Article 5 applies to each of the covered television channels. One of the objectives of this provision is to ensure equal competition among all the television channels of broadcasters operating within the jurisdiction of the Member State concerned.

The average relative proportion of recent works by independent producers for all channels was 70.82% in 2005 and 64.83% in 2006. This represents a decrease of -5.98 percentage points during the reference period. The data for two channels were not communicated. The

figures for the individual channels ranged from 8% to 100% in 2005 and from 6% to 100% in 2006.

2.5. Germany

Four of the 41 channels identified were not operating in 2005.

European works

The reported channels allocated an average of 61.78% and 60.69% of their total qualifying transmission time to European works in 2005 and 2006, respectively. This represents an average -1.09 percentage point decrease over the reference period and a decrease of -2.88 points over four years (2003-2006).

In 2005, of the total of 37 covered channels, 23 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive and 13 did not. No data were communicated for one channel. The compliance rate, in terms of number of channels, was 62%.

For 2006, of the total of 41 covered channels, 22 achieved the majority proportion specified in Article 4 of the Directive and 17 did not. No data were communicated for two channels. The compliance rate, in terms of number of channels, was 54%.

As regards the reasons for the cases of non-compliance, the report points to the special-interest character of the channels concerned, such as JETIX, Premiere or Kabel 1. It notes that the German authorities have entered into talks with the non-compliant broadcasters in order to discuss the situation, except in the cases where the failure was due to their special-interest nature. The report mentions cases where these talks have already had some initial success.

The Commission points out that the proportion specified in Article 4(1) of the Directive applies to all television channels covered by Article 4¹⁸ and falling within the jurisdiction of the Member State concerned, regardless of their nature.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 64.11% in 2005 and 65.10% in 2006, representing an increase of 0.99 percentage points during the reference period and a very significant increase of 29.12 points over four years (2003-2006).

For 2005, of the total of 37 covered channels, 34 exceeded the minimum of 10% specified in Article 5 of the Directive. Only two channels were below this quota. No data were communicated for one channel. Hence, the compliance rate, in terms of number of channels, was 92%.

In 2006, 38 channels out of a total of 41 covered channels exceeded the minimum proportion specified in Article 5 of the Directive. Again, only two channels, the same as in the previous year (Phoenix and Toon Disney), failed to meet the target. No data were communicated for one channel. The compliance rate, in terms of number of channels was 93%.

¹⁸ See Indicator 1, Background Document 1.

The average relative proportion of recent European works for all reported channels was 67.11% in 2005 and 64.72% in 2006, representing a -2.39 percentage point decrease over the reference period.

2.6. Estonia

European works

The three reported (and covered) channels broadcast an average of 61.80% European works in 2005 and 62.73% in 2006. This represents a 0.93 percentage point increase over the reference period and an increase of 0.96 points since the beginning of reporting in 2004.

In 2005, one of the three covered channels just failed to achieve the majority proportion specified in Article 4 of the Directive (48%). The compliance rate, in terms of number of channels, was 67%.

In 2006, all covered channels achieved the majority proportion of transmission time specified in Article 4 of the Directive. Thus, the compliance rate, in terms of number of channels, was 100%. The figures ranged from 51% to 86.4%.

European works made by independent producers

The average proportion of European works by independent producers on all reported (and covered) channels was 46.10% in 2005 and 48.87% in 2006. This represents an increase of 2.77 percentage points over the reference period and a significant 17.84 point increase since the beginning of reporting in 2004.

All covered channels exceeded the 10% minimum specified in Article 5 of the Directive during the reference period. The compliance rate, in terms of number of channels, was therefore 100%.

The average relative proportion of recent European works by independent producers for all channels was 26.13% and 30.77%. This represents a 4.64 percentage point increase during the reference period, but a major decrease of -58.53 points since the beginning of reporting in 2004.

2.7. Greece

In the last report, the Commission pointed out that Greece's statistical statement contained data for only 12 channels, while in the preceding reference period Greece had identified 39 channels (33 covered in 2001 and 35 in 2002). The Commission insisted on Greece's legal obligation under Article 4(3) of the Directive to submit a complete statement for all covered channels under its jurisdiction for the reference period 2005-2006. The Commission takes note of the fact that the number of identified channels has increased considerably to 48 (40 covered in 2005 and 38 covered in 2006) during the reference period for this report.

European works

All reported channels broadcast an average of 60.71% and 55.47% European works in 2005 and 2006, respectively, representing a -5.24 percentage point decrease over the reference period, but a large decrease of -12.79 points over four years (2003-2006).

For 2005, of the total of 40 covered channels listed in the report, 24 achieved the majority proportion specified in Article 4 of the Directive, while 16 channels did not. The compliance rate, in terms of number of channels, was 60%.

In 2006, of the total of 38 covered channels, 22 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 15 channels were below the 50% target. No data were communicated for one channel. The compliance rate was therefore 58%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 18.29% in 2005 and 19.51% in 2006, representing an increase of 1.22 percentage points over the reference period and a -6.16 point decrease over a period of four years (2003-2006).

In 2005, of the total of 40 covered channels, 20 exceeded the minimum proportion under Article 4 of the Directive, whereas 20 channels were below the target. The compliance rate, in terms of number of channels, was therefore 50%.

For 2006, of the total of 38 covered channels, 18 exceeded the minimum proportion specified in Article 5 of the Directive, while 19 remained below the target. No data were communicated for one channel. The compliance rate, in terms of number of channels, was 47%.

The Greek authorities indicated that most non-compliant channels as regards both Articles 4 and 5 were thematic channels. The Commission would like to point out that the proportions of transmission time specified in Article 4 and 5 of the Directive apply each year to every covered channel with a view in particular to ensuring equal competition among all television channels within the jurisdiction of the Member State concerned.

The average relative proportion of recent European works by independent producers for all reported channels was 28.64% in 2005 and 34.02% in 2006, representing a 5.38 percentage point increase over the reference period and an increase of 2.15 points over four years. In the last report, the Commission already highlighted the relatively low proportion of recent independent productions compared to other Member States and the EU average. While the Commission acknowledges a certain increase in the scheduling of such works, there is — under the principle of progressive achievement — still ample room for improvement.

2.8. Spain

Over the entire reference period, 10 channels were exceptionally exempted from reporting. Eight channels were not operational in 2005. No data were communicated for three channels during the whole reference period (Antena 3 NEOX; Antena 3 NOVA and Telecinco estrellas).

European works

All reported channels broadcast an average of 63.55% and 60.52% European works in 2005 and 2006, respectively, representing a -3.03 percentage point decrease over the reference period and only a slight 0.4 point decrease over four years (2003-2006).

For 2005, of the total of 48 covered channels, 36 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive, and nine did not. No data were

communicated for three channels. The compliance rate, in terms of number of channels, was 75%.

In 2006, out of 56 covered channels, 41 achieved the majority proportion of transmission time specified in Article 4 of the Directive, while 12 did not. No data were communicated for three channels. The compliance rate, in terms of number of channels, was 73%.

No explanations were given for the 10 exceptional exemptions. Regarding non-compliance, the Spanish authorities pointed to the thematic nature of the channels and to the fact that, under Spanish law, channels that began broadcasting after 31 December 2001 are allowed a transitional 5-year period to gradually attain the required proportions.

The Commission reiterates that the majority proportion specified in Article 4(1) applies each year to all channels covered by this Article, regardless of their audience share, with a view in particular to ensuring equal competition among all the television channels of broadcasters falling within the jurisdiction of the Member State concerned.

European works made by independent producers

The average proportion of European works made by independent producers on all reported channels was 41.05% in 2005 and 39.46% in 2006, representing a -1.59 percentage point decrease over the reference period but an increase of 8.1 points over four years (2003-2006).

In 2005, of the total of 48 covered channels, three devoted less than 10% of transmission time to European works by independent producers, while 42 exceeded this minimum proportion. No data were communicated for three channels. The compliance rate, in terms of number of channels, was 88%.

For 2006, the compliance rate was 89%. Of the 56 covered channels, 50 channels exceeded the 10% minimum, while three channels failed to meet the target (and no data were communicated for another three channels).

The average relative proportion of recent European works by independent producers for all reported channels was 71.10% and 69.53% in 2005 and 2006, respectively, representing a -1.58 percentage point decrease during the reference period, and a -3.97 decrease over four years.

2.9. France

Out of 129 channels identified, 18 and 10 channels were non-operational in 2005 and 2006, respectively.

European works

All reported channels broadcast an average of 70.81% and 73.30% European works in 2005 and 2006, respectively. This represents an average 2.49 percentage point increase over the reference period and an increase of 3.40 points over four years (2003-2006).

In 2005, of the total of 92 covered channels, 86 channels achieved the majority proportion specified in Article 4 of the Directive, while only one channel was below the target. The data for five channels were not communicated. The compliance rate, in terms of number of channels, was 93%.

For 2006, out of 100 covered channels, 94 channels achieved the majority proportion of transmission time specified in Article 4 of the Directive. The data for six channels were not communicated. The compliance rate, in terms of number of channels, went up to 94%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels covered by Article 5 of the Directive was 53.64% in 2005 and 52.38% in 2006, representing a decrease of -1.25 percentage points during the reference period but a considerable increase of 11.22 points over four years (2003-2006).

In 2005, of the total of 92 covered channels, 71 channels exceeded the minimum proportion of Article 5 of the Directive, while three channels did not meet the requirement. The data for 18 channels were not communicated. The compliance rate, in terms of number of channels, was 77%.

For 2006, of the total of 99 covered channels, 75 channels exceeded the 10% minimum in Article 5 of the Directive. Six channels remained below the target. The data for 18 channels were not communicated. The compliance rate was thus 76%.

The national report indicates that the figures for the digital channels (including W9 and TMC) were calculated using a different (larger) base than that specified in Article 5 of the Directive, namely the turnover of the channels for the previous year. The French authorities therefore argue that the failure to attain the 10% minimum does not imply non-compliance with the Directive. At the same time, W9, a new music channel, benefits from a national exemption allowing it to progressively achieve the required target within five years. In addition, the report points out that two channels (AB1 and TF6) changed their economic model in 2006, giving priority to productions from its distribution subsidiary. Three further channels (Demain, Game one and Berbère TV) broadcast in-house productions.

The Commission would reiterate that the reporting obligation under Article 4(3) of the Directive applies to each of the television programmes within the jurisdiction of the Member State concerned, with a view in particular to ensuring equal competition among all the television channels of broadcasters regardless of their transmission modes and nature. The Commission takes note of the fact that French legislation imposes an investment obligation on certain channels, calculated using a larger base than that specified in the Directive (turnover rather than programming budget). However, the Commission would like to invite France to present its national data in future in a way that accurately reflects the compliance of French channels with Article 5 of the Directive and allows objective comparisons between different Member States.

The average relative proportion of recent European works by independent producers, for all channels of all types, was 59.34% and 56.80% in 2005 and in 2006, respectively. This represents a decrease of -2.54 percentage points over the reference period and a decrease of -8.13 points since 2003.

2.10. Ireland

Nine channels were exceptionally exempted from reporting during the reference period. One channel was not yet operational in 2005.

European works

All reported channels broadcast an average 52.25% and 55.20% in 2005 and 2006, respectively, representing an average increase of 2.95 percentage points over the reference period and a 2.45 point increase over four years (2003-2006).

For 2005, of the total of four covered channels, two achieved the majority proportion specified in Article 4 of the Directive. Two channels failed to reach the 50% minimum. The compliance rate, in terms of number of channels, was 50%.

In 2006, three of the total of 5 covered channels complied with the majority proportion specified in Article 4 of the Directive, while again the same two channels as in 2005 (RTÉ Two and TV3) failed to meet the 50% minimum. The compliance rate was thus 60%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 26.50% in 2005 and 34.40% in 2006, representing an increase of 7.90 percentage points over the reference period and a similar 7.15 point increase over four years (2003-2006).

All covered channels exceeded the minimum proportion specified in Article 5 of the Directive (percentages ranging from 13% to 52% in 2005 and from 14% to 63% in 2006). The compliance rate, in terms of number of channels, was therefore 100% over the entire reference period.

The average relative proportion of recent European works was 28.50% and 24.80% in 2005 and 2006, respectively, representing a -3.70 percentage point decrease during the reference period but a large decrease of -72.70 points over four years (2003-2006). No reasons were given for this significant decline. The Commission recalls that Article 5 of the Directive requires that an adequate proportion of works by independent producers should be recent, i.e. less than five years old. In view of the significant decline in the scheduling of recent works in the current reference period, the Commission calls upon Ireland to increase — in line with the principle of progressive achievement — the average relative proportion of recent European works by independent producers.

2.11. Italy

During the entire reference period, six channels were exceptionally exempted from reporting. 26 were non-operational in 2005 and two channels were non-operational in 2006.

European works

All reported channels broadcast an average of 61.41% in 2005 and 60.91% in 2006, representing a minimal decrease of -0.50 percentage points over the reference period. Simultaneously, this represents an increase of 2.10 points over four years (2003-2006).

For 2005, of the total of 109 covered channels, 74 achieved the majority proportion specified in Article 4 of the Directive, while 33 did not. For two channels, no data were communicated. The compliance rate, in terms of number of channels, was 68%.

For 2006, out of 133 covered channels, 81 exceeded the 50% minimum, whereas 42 channels did not meet this requirement. No data were communicated for 10 channels. The compliance rate was thus 61%.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 14.16% in 2005 and 11.54% in 2006, representing a -2.62 percentage point decrease during the reference period. This represents a decrease of 12.24 percentage points over four years (2003-2006).

In 2005, of the total of 109 channels covered by Article 5, only 51 channels exceeded the minimum requirement, while 56 channels were below the target. No data were communicated for two channels. The compliance rate, in terms of number of channels, was 47%.

For 2006, of the total of 133 covered channels, 55 channels achieved the majority proportion under Article 5 of the Directive, while 68 failed to do so. Of the latter, 56 channels broadcast no works by independent producers. No data were submitted for 10 channels. The compliance rate fell to 41%.

The Commission acknowledges the progress made since the previous report as regards the justification of the channels' failure to comply with Articles 4 and 5 of the Directive. The Commission takes note of the fact that the vast change in the Italian television landscape, in particular the ongoing fragmentation of the market, makes compliance with the requirements of the Directive difficult. Moreover, it takes note of the explanations provided by the Italian authorities that many channels ignored the amended rules on the promotion of European and independent works and that, although they may have devoted several hours of transmission time to such works, they reported the proportion as '0%'.

However, the Commission reiterates that the Member States should ensure that all channels under their jurisdiction achieve the proportions of transmission time specified in Article 4 and 5 of the Directive, in line with the principle of progressive achievement, regardless of their mode of transmission (as is now recognised in Italian legislation) or their audience share. The Commission acknowledges the increased monitoring by the Italian authorities and encourages them to intensify their efforts.

The average relative proportion of recent European works, whether or not by independent producers, was 65.76% in 2005 and 67.71% in 2006, representing a 1.95 percentage point increase over the reference period. The figures reported to the Commission by the Italian authorities refer to the amount of European works and not the amount of works by independent producers. This difference is due to Article 2 of Law 122/98, which refers to European works overall, whether or not by independent producers. It is therefore not possible to determine the actual proportion devoted to recent works by independent producers as referred to in Article 5 of the Directive. The report indicates that the Italian authorities intend to adopt a regulation requiring an adequate proportion of investment to be devoted to recent works by independent producers. The Commission encourages them to do so as soon as possible.

2.12. Latvia

The Commission notes that the number of channels identified fell from 10 to six when compared to Latvia's previous report (2003-2004). Of the six channels identified, one channel was exceptionally exempted in the current reference period.

European works

All reported channels broadcast an average of 64.52% European works in 2005 and 62.49% in 2006, representing a -2.03 percentage point decrease during the reference period and a slight decrease of -0.8 points since the beginning of reporting in 2004. One channel was exempted from reporting (Pirmais Baltijas Kanals).

In 2005, all five covered channels achieved the majority proportion of transmission time specified in Article 4 of the Directive. The compliance rate, in terms of number of channels, was therefore 100%. For 2006, four of the five covered channels met the requirements of Article 4 of the Directive, while one channel (LNT) was below the 50% minimum. The compliance rate therefore fell to 80%.

The report refers to the statement by the private broadcaster LNT that it was forced to remove several European programmes because of their low ratings. The Commission would point out that the majority proportion of transmission time specified in Article 4(1) applies to all television channels of broadcasters falling within the jurisdiction of the Member State concerned. Hence, the low ratings of European productions cannot be used as an argument for failure to meet the obligations. In this respect, the Commission takes note of LNT's intention to invest more in own productions, as mentioned in the report.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 33.28% and 31.92% in 2005 and 2006, respectively, representing a -1.37 percentage point decrease over the reference period and a considerable -10.74 point decrease since the beginning of reporting in 2004.

All covered channels achieved the majority proportion specified in Article 4 of the Directive (percentages ranging from 15.82% to 55% in 2005 and 16.69% to 51.20% in 2006). The compliance rate, in terms of number of channels, was thus 100% during the reference period.

The average relative proportion of recent European works by independent producers was 85.20% in 2005 and 81.68% in 2006, which represents a -3.52 percentage point decrease over the reference period.

2.13. Lithuania

European works

All reported channels broadcast an average of 53.48% in 2005 and 46.98% in 2006, representing a decrease of -6.50 percentage points over the reference period and a similar decrease of -6.47 points since the beginning of reporting in 2004.

During the reference period, only two of the four covered channels achieved the majority proportion specified in Article 4 of the Directive. The compliance rate, in terms of number of channels, was therefore 50%.

As in the previous report, the Lithuanian authorities stated that the non-compliant broadcasters (LNK and TELE-3) were not able to achieve the target because of agreements they signed for purchasing non-European works. In this respect, the Commission reiterates that the proportion specified in Article 4(1) of the Directive applies to all television channels of a broadcaster falling within the jurisdiction of the Member State concerned. Contractual

agreements do not qualify as reasons for not complying with the requirements of the Directive. Neither do short-term economic circumstances represent an excuse not to comply with the required proportions. Moreover, possibly conflicting private agreements should be resolved so that the channels can meet the requirements of the Directive.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 25.68% and 23.15% in 2005 and 2006, respectively, representing a -2.53 percentage point decrease over the reference period and a significant decrease of -10.90 points since the beginning of reporting in 2004.

Of the four covered channels, three exceeded the minimum proportion (percentages ranging from 19% to 43.70% in 2005 and from 21% to 38% in 2006), whereas one channel (LNK) failed to meet the 10% minimum over the reference period. The compliance rate, in terms of number of channels, was 75% for the entire reference period.

The average relative proportion of recent European works by independent producers for all reported channels was 90% in 2005 and 92.50% in 2006, resulting in a 2.50 percentage point increase over the reference period.

2.14. Luxembourg

One channel was non-operational in 2005 (DVL TV S.A.). No data were communicated for one channel, which ceased all its activities in March 2007 (T.TV).

European works

All channels reported broadcast an average of 65.48% and 67.06% in 2005 and 2006, respectively, representing a 1.57 percentage point increase over the reference period and a 2.39 point increase over four years (2003-2006).

For 2005, of the total of 13 covered channels, 11 channels achieved the majority proportion specified in Article 4 of the Directive, while one channel did not. No data were communicated for one channel. The compliance rate was 85%.

In 2006, of the total of 14 covered channels, 10 channels achieved the majority proportion specified in Article 4 of the Directive, while three channels were below the 50% minimum. No data were communicated for one channel. The compliance rate was 71%.

The report explains that the failure of Club RTL to meet the majority proportion is due to the composition of its programme schedule, which largely consists of sports broadcasts, which are excluded from consideration, and cartoons, which are mainly non-European. The report does not give any reasons for the failure of two further channels in the year 2006 (RTL 9). The figures for these channels declined by around 10% during the reference period.

The Commission would point out that the proportion of transmission time specified in Article 4(1) of the Directive applies to each of the television channels of broadcasters falling within the jurisdiction of the Member state concerned. Hence, every Member State must ensure that the broadcasters concerned comply with the provisions of the Directive. The report indicates that the broadcaster concerned (CLT-UFA) will be formally instructed to take the steps needed to ensure compliance with the required percentages in future. The Commission welcomes this intention and notes that overall, in accordance with the principle of progressive

achievement, the figures improved slightly both during the reference period and over four years (2003-2006).

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 57.63% in 2005 and 54.66% in 2006, representing a decrease of -2.97 percentage points over the reference period but a substantial increase of 27.88 points over four years (2003-2006).

For 2005, of the total of 13 covered channels, 11 channels exceeded the minimum proportion under Article 5 of the Directive. In 2006, of the 14 covered channels, 12 were above the 10% minimum. During the entire reference period, one channel remained below the target (Nordlicht TV, a low-budget channel in Luxembourgish). The compliance rate, in terms of number of channels, was 85% and 86% in 2005 and 2006, respectively.

The average relative proportion of recent European works by independent producers for all channels was 55.65% in 2005 and 57.86% in 2006, representing an increase of 2.20 percentage points over the reference period.

2.15. Hungary

European works

All reported channels broadcast an average of 71.95% in 2005 and 76.93% in 2006, representing a 4.98 percentage point increase over the reference period and an increase of 9.99 points since the beginning of reporting in 2004.

In 2005, out of 22 covered channels, 15 exceeded the 50% minimum specified in Article 4 of the Directive, while three channels were below the target. No data were communicated for four channels.

In 2006, among the 22 channels, 19 were above the target, and three were below. The compliance rate, in terms of number of channels, rose from 68% in 2005 to 86% in 2006.

The previous Hungarian report gave economic reasons and the nature of the channels concerned as reasons for non-compliance. It also listed criteria for an 'exemption' procedure. At the time, the Commission pointed out that only individual channels and not broadcasters may exceptionally be exempted from the requirements under Articles 4 and 5 for the reasons given in the Directive and according to the guidelines adopted on 11 June 1999. It also indicated that an exemption on the basis of whether a channel was pay-TV or free-TV would not be acceptable.

In this report, the Hungarian authorities took the opportunity to explain the legislative background of the 'exemption' procedure and its evolution in recent years. They noted that, under an authorisation provided for in Hungarian law, the competent authority had issued a decision to address in particular the issue of possible exceptions from compliance with the requirements. This decision was further amended following remarks made by the Commission in the last report. The new framework now allows specialised and satellite broadcasters to be partly exempted from the requirements, in advance and more than once, for a given period on the basis of an individual request. Moreover, the report points to the thematic nature of two

channels (HBO, HBO 2) as the reason for their non-compliance and hence exemption from the majority requirement.

The Commission would like to stress that only individual channels and not broadcasters may exceptionally be exempted from the requirements of Article 4 and 5 of the Directive. The new framework however seems to refer to broadcasters instead. It also seems to allow deviations from the requirements whenever a request is made, regardless of whether it is based on an exceptional situation or just on any other grounds given by the broadcaster concerned. The Commission notes the intensified enforcement by the Hungarian authorities, but retains some doubts as to whether the new system is fully in line with the Directive and the guidelines adopted on 11 June 1999. This notwithstanding, the Commission acknowledges that — in accordance with the principle of progressive achievement — there has been a significant improvement in the scheduling of European works in Hungary since the beginning of reporting in 2004.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 43.38% in 2005 and 53.91% in 2006, representing an increase of 10.54 percentage points over the reference period and an even more significant 20.27 point increase since the beginning of reporting in 2004. The compliance rate, in terms of number of channels, was 64% in 2005 and 91% in 2006, thus representing a considerable increase of 27 percentage points over the reference period.

The average relative proportion of recent European works by independent producers for all channels was 74.14% and 71.46% in 2005 and 2006, respectively.

2.16. Malta

European works

All reported channels broadcast an average of 76.99% in 2005 and 78.53% in 2006, representing a 1.54 percentage point increase over the reference period and an increase of 1.09 points since the beginning of reporting in 2004.

During the reference period, all five covered channels achieved the majority proportion specified in Article 4 of the Directive. The compliance rate was therefore 100%. The figures range from 58.61% to 92.50% in 2005 and from 66.57% to 95% in 2006.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 42.76% and 44.96% in 2005 and 2006, respectively, representing a 2.20 percentage point increase over the reference period and an increase of 6.82 points since the beginning of reporting in 2004.

The compliance rate was 100% during the entire reference period.

The average relative proportion of recent European works by independent producers for all reported channels was 80.80% in 2005 and 82.20% in 2006.

2.17. Netherlands

33 channels in 2005 and six in 2006 were not operational. 14 channels in 2005 and 21 in 2006 were exceptionally exempted from reporting on Article 4 of the Directive. 15 channels in 2005 and 21 in 2006 were exceptionally exempted from reporting on Article 5.

European works

All reported channels broadcast an average of 66.38% and 70.26% in 2005 and 2006, respectively. This represents an increase of 3.88 percentage points over the reference period, although the figures remained relatively stable with a -1.52 point decrease over four years.

In 2005, of the total of 65 covered channels, 33 channels achieved the majority proportion specified in Article 4 of the Directive, whereas 25 failed to meet the requirement. The data for seven channels were not communicated. The compliance rate, in terms of number of channels, was 51%.

For 2006, out of 85 covered channels, 58 exceeded the minimum proportion, while 22 were below the target. No data were communicated for eight channels. The compliance rate was 68%.

As in the previous reference period, the reasons for non-compliance were specified in the report for each channel failing to achieve the required proportions. The report indicates various reasons for failure, mainly the special nature of the programmes concerned or the recent nature of the channel. The report also argues that the compliance rate for 2005 should be considered to be 60% for 2005 and 74% for 2006 instead of the figures given above, in view of exemptions granted to the channels Arrivo on demand B.V. and Chellomedia Programming b.v., which thus only had to comply with a lower percentage. The Commission would point out that the proportions specified in Article 4(1) of the Directive apply to each of the television channels falling within the jurisdiction of the Member State concerned. All channels below the target are obliged to increase their efforts so that the proportions required under the Directive are achieved progressively.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 39.45% in 2005 and 49.60% in 2006, representing a 10.50 percentage point increase during the reference period and an even more considerable increase (17.10 points) over four years (2003-2006).¹⁹

For 2005, of the total of 64 covered channels, 52 channels were above the 10% minimum, while three channels were below the target. No data were supplied for nine channels. The compliance rate was 81%.

In 2006, out of 85 covered channels, 75 channels exceeded the minimum proportion specified in Article 5 of the Directive, while five were below the target. No data were communicated for five channels. The compliance rate, in terms of number of channels, was 88%.

¹⁹ This contrasts with the considerable drop of -35.40 points mentioned in the last report for the years 2001-2004, which was to a large extent due to non-compliance with the reporting obligation for a number of channels in 2001.

The average relative proportion of recent European works for all channels was 89.50% and 86.78% in 2005 and 2006, respectively. This represents a -2.72 percentage point decrease over the reference period but a noticeable increase of 12.36 points over four years (2003-2006).

2.18. Austria

Out of 16 channels identified, three channels were non-operational in 2005. The report exempted one channel in 2005 and four channels in 2006. One channel was no longer under Austrian jurisdiction in 2006.

European works

All reported channels broadcast an average of 65.63% and 68.36% European works in 2005 and 2006, respectively, representing an increase of 2.73 percentage points over the reference period but a -4.4 point decrease over four years (2003-2006).

For 2005, of the total of 12 covered channels, eight channels achieved the majority proportion specified in Article 4 of the Directive, while four channels (ORF 1, ATV+, Premiere Österreich, INXTC TV) were below the target. The compliance rate, in terms of number of channels, was 67%.

For 2006, of the total of 11 covered channels, seven channels achieved the majority proportion specified in Article 4 of the Directive, while the same four channels remained under the target. The compliance rate went down to 64%.

As regards reasons for non-compliance, the report points to specific market conditions forcing the channels to broadcast international film productions instead of European productions, which would have been more expensive in terms of licensing and co-production costs. As regards ORF 1, the report highlights the specific nature of the year 2006, which was dominated by sporting events, and the resulting extensive reporting requirements. Furthermore, the report explains that the ORF began a comprehensive reform in April 2007, aimed at strengthening the proportion of European and 'own' productions. The Commission would reiterate that one of the purposes of Article 4(1) of the Directive, which applies each year and to all television programmes, is to ensure equal competition between broadcasters falling within the jurisdiction of the Member State concerned. At the same time, the Commission takes note of Austria's specific situation as a country with a low audiovisual production capacity, while acknowledging the considerable progress already achieved in scheduling European productions.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 49.65% and 52.19% in 2005 and 2006, respectively, representing an increase of 2.54 percentage points over the reference period and an increase of 7.24 points over four years (2003-2006).

During the whole reference period, all channels reached the minimum proportion specified in Article 5 of the Directive, amounting to a 100% compliance rate.

The average relative proportion of recent European works for all channels was 71.23% in 2005 and 73.83% in 2006, representing a 2.60 percentage point increase over the reference period.

2.19. Poland

Of the 55 channels identified, five channels were not operational in 2005 and two were not operational in 2006.

European works

All reported channels broadcast an average of 80.18% and 81.07% in 2005 and 2006, respectively. This represents a slight increase of 0.89 percentage points over the reference period. From the beginning of reporting in 2004, the average increased by 3.3 points.

For 2005, of the total of 50 covered channels, 44 achieved the majority proportion specified in Article 4 of the Directive, while six channels were below the 50% minimum. The compliance rate, in terms of number of channels, was 88%.

In 2006, of the 53 covered channels, 47 channels were above the target, while again six channels failed to meet the requirement. Four of these channels (TVN Siedem, Canal + Polska, Canal+ Polska Żółty and Tele 5) were among the group of channels that also failed to meet the target in the previous year. The compliance rate was 89%.

European works made by independent producers

The average proportion of European works made by independent producers on all reported channels was 26.66% in 2005 and 25.99% in 2006, representing a minimal decrease of -0.67 percentage points over the reference period and a decrease of -1.7 points since the beginning of reporting in 2004.

In 2005, six of the 50 covered channels were below the 10% minimum. 44 channels complied with the requirement in Article 5 of the Directive. The compliance rate, in terms of number of channels, was 88%.

For 2006, of the 53 covered channels, 45 channels exceeded the minimum proportion specified in Article 5 of the Directive, while eight channels were below the target. The compliance rate was 85%.

The report mentions several reasons for non-compliance with Articles 4 and 5: economic factors, long-term licensing agreements, specialised nature of the channels, and provisions of national law allowing certain channels to reduce their share of European works. The Commission reiterates that the proportion of transmission time specified in Article 4(1) of the Directive applies to each of the television programmes of broadcasters falling within the jurisdiction of the Member state concerned and that only individual channels may exceptionally be exempted from the requirements of Article 4 and 5 of the Directive. At the same time, the Commission acknowledges the highly satisfactory overall results in Poland, in particular as regards European works, and welcomes the intention by the Polish authorities to take action against failing broadcasters if their compliance does not improve.

The average relative proportion of recent European works by independent producers for all reported channels was 52.72% in 2005 and 59.18% in 2006, representing a 6.46 percentage point increase during the reference period.

2.20. Portugal

Of the 24 channels identified, one channel was non-operational during the reference period. 10 channels were exceptionally exempted.

European works

All of the reported channels broadcast an average of 66.15% in 2005 and 68.62% in 2006. This represents an average 2.47 percentage point increase during the reference period and an increase of 4.06 points over four years (2003-2006).

For 2005, of the total number of 13 covered channels, nine achieved the majority proportion specified in Article 4, while four channels did not meet this requirement. The compliance rate, in terms of number of channels, was 69%.

In 2006, of the 13 channels covered by Article 4 of the Directive, 10 channels met the target, whereas three channels failed to do so. The compliance rate was thus 77%.

The Portuguese authorities observed that the failing channels were mainly thematic channels broadcast by SIC and that European works accounted for 46.06% of the total broadcast by SIC in 2005 (a figure, they argue, very close to the minimum required) and 54.70% of the total broadcast by SIC in 2006. The Commission reiterates that the proportion of transmission time specified in Article 4(1) of the Directive applies to each of the television channels of broadcasters falling within the jurisdiction of the Member state concerned. However, the Commission notes that considerable progress has been made by these channels in the scheduling of European works, in line with the principle of progressive achievement, and encourages Portugal to sustain this trend.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 23.69% and 30.31% in 2005 and 2006, respectively, representing an increase of 6.62 percentage points over the reference period. At the same time, this represents an increase of 2.65 points over four years (2003-2006).

During the entire reference period, of the total of 13 covered channels, 11 channels exceeded the minimum specified in Article 5 of the Directive, while two channels failed to reach the target. The compliance rate, in terms of number of channels, remained stable over 2005-2006 at 85%.

The average relative proportion of recent European works was 90.17% in 2005 and 93.50% in 2006, representing an increase of 3.30 percentage points over the reference period.

2.21. Slovenia

Of the 60 channels identified, 32 channels targeting a local audience were exceptionally exempted from the reporting obligation and one channel was non-operational during the entire reference period.

European works

All reported channels broadcast an average of 47.31% in 2005 and 52.28% in 2006. This represents an increase of 4.97 percentage points over the reference period and a slight -0.95 point decrease since the beginning of reporting in 2004.

For 2005, of the 27 covered channels, 10 channels were below the minimum proportion, while eight channels exceeded it. No data were communicated for nine channels. The compliance rate, in terms of number of channels, was only 30%.

In 2006, of the 27 covered channels, 11 channels achieved the majority proportion specified in Article 4 of the Directive, while nine channels did not. No data were communicated for seven channels. The compliance rate rose to 41%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 18.49% in 2005 and 20.04% in 2006, representing an increase of 1.55 percentage points over the reference period. This represents an increase of 3.80 points since the beginning of reporting in 2004.

In 2005, of the 27 covered channels, 10 channels managed to meet the requirement of Article 5, and six channels failed to do so. The data for 11 channels were not communicated. The compliance rate, in terms of number of channels, was 37%.

For 2006, of the 27 covered channels, 13 channels exceeded the minimum proportion specified in Article 5 of the Directive, while only three failed to reach the target. Again, the data for 11 channels were not communicated. Therefore, the compliance rate, in terms of number of channels, rose to 48%.

The average relative proportion of recent European works by independent producers on all channels was 55.45% in 2005 and 55.88% in 2006, representing a slight 0.43 percentage point increase over the reference period.

The report indicates that only a few of the total number of broadcasters in Slovenia play a major role. It also notes that in 2005 only one of the main broadcasters failed to achieve the proportions specified in Articles 4 and 5. The Commission reiterates that the Directive's provisions apply to each of the television channels of broadcasters falling within the jurisdiction of the Member state concerned, irrespective of its audience share. Yet, the Commission notes that Slovenia is a country with a low audiovisual production capacity and a restricted language area. It also welcomes the efforts by the Slovenia authorities to encourage the achievement of the required proportions.

2.22. Slovak Republic

European works

All three reported (and covered) channels broadcast an average of 63.80% and 62.27% in 2005 and 2006, respectively, representing a decrease of -1.53 percentage points over the reference period and a -2.06 point decrease since the beginning of reporting in 2004.

During the entire reference period all channels achieved the majority proportion specified in Article 4 of the Directive (percentages ranging from 61% to 68.50% in 2005 and from 53.40% to 75.80% in 2006), hence leading to a 100% compliance rate.

European works made by independent producers

The average proportion of European works by independent producers on all channels was 25.40% in 2005 and 26.01% in 2006, representing a slight increase of 0.61 percentage points over the reference period. From the beginning of reporting in 2004, the figures remained stable with a slight increase of 0.26 points.

All the three covered channels met the requirements of Article 5 of the Directive (percentages ranging from 18.90% to 34.30% in 2005 and from 13.60% to 42.50% in 2006) during the reference period. The compliance rate, in terms of number of channels, was therefore 100%.

The average relative proportion of recent European works by independent producers on all channels was 100% over the entire reference period.

The Commission takes note of the fact that the Slovak authorities have commenced legal proceedings against two broadcasters for not having reserved a majority proportion of its transmission time for European works during some months of 2006.

2.23. Finland

Over the entire reference period, two channels (YLE24 and Urheilukanava) were exceptionally exempted from reporting.

European works

All reported channels broadcast an average of 69.33% in 2005 and of 69.56% in 2006, representing an increase of 0.22 percentage points over the reference period. However, this represents a considerable -7.94 point decrease over four years (2003-2006).

During the entire reference period, of the total of nine covered channels, seven achieved the majority proportion specified in Article 4 of the Directive, while two channels (MTV3 and Subtv) were below the target. The compliance rate, in terms of number of channels, was 78% over the entire reference period.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 44.11% and 45.11% in 2005 and 2006, respectively, representing a 1.00 percentage point increase over the reference period and a significant increase of 14.48 points over four years.

For 2005, of the total of nine covered channels, eight exceeded the minimum proportion specified in Article 5 of the Directive, while one channel was below the target. The compliance rate, in terms of number of channels, was 89%.

In 2006, all of the covered channels exceeded the 10% minimum (percentages ranging from 12% to 100%). The compliance rate, in terms of number of channels, was therefore 100%.

The average relative proportion dedicated to recent European works by independent producers for all channels was 76.11% in 2005 and 76.78% in 2006, representing only a slight increase of 0.67 percentage points over the reference period.

The Commission takes notes of the explanations provided by the failing channels and concedes that Finland is a country with a low audiovisual production capacity and a restricted language area.

2.24. Sweden

Of the total of 33 channels identified, several were not operational in 2005. One channel was exempted from the requirements of Article 4 and two from Article 5 in the reference period.

European works

All reported channels broadcast an average of 51.06% in 2005 and 45.44% in 2006, representing a -5.62 percentage point decrease over the reference period and a decrease of -8.05 points over four years (2003-2006).

In 2005, of the total of 24 covered channels, 11 channels achieved the majority proportion specified in Article 4 of the Directive, while 13 channels were below the target. The compliance rate was 46%.

For 2006, of the 32 covered channels, 13 met the requirements of Article 4 of the Directive, whereas 19 failed to comply. The compliance rate, in terms of number of channels, was 41%.

Although a considerable number of channels failed to achieve the majority proportion specified in Article 4 of the Directive, the report only gives an explicit explanation of the performance of seven channels (TV400, TV4 Film, Showtime, Silver, Three Angel Lifestyle, Family and Nordic). The reasons given for failure are mainly that the channels concerned focused on non-European content. Moreover, the report indicates that 25 of the 33 channels identified are small niche channels with minor audience shares. The Commission would reiterate that the special-interest nature of a channel cannot be acknowledged as a justification for a general exemption from the requirements of Articles 4 and 5. Article 4(3) obliges the Member States to provide statistical data on improvements with regard to the proportions specified in Article 4 and 5 for each of the television channels falling within their jurisdiction. The Commission calls upon Sweden to improve its performance as regards the scheduling of European works — in line with the principle of progressive achievement.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 57.14% and 53.12% in 2005 and 2006, respectively, representing a decrease of -4.03 percentage points over the reference period but a 10.12 point increase over four years (2003-2006).

For 2005, of the total number of 24 covered channels, 22 channels exceeded the 10% minimum, while two channels were below the target. The compliance rate, in terms of number of channels, was 92%.

In 2006, of the 31 covered channels, 29 were above the minimum proportion specified in Article 5 of the Directive, while two channels were below the target. One of these channels

also failed to meet the minimum proportion in the previous year (Di TV). The compliance rate rose to 94%.

The Commission takes note of the very high percentage of transmission time dedicated to European works by independent producers.

The average relative proportion devoted to recent European works was 66.23% in 2005 and 55.76% in 2006, representing a decrease of -10.46 percentage points over the reference period.

2.25. United Kingdom

71 channels of the total number of 345 channels identified were non-operational in 2005 and three were non-operational in 2006. No data were communicated for nine channels in 2005 and for five channels in 2006.

European works

All reported channels broadcast an average of 52.56% and 53.02% in 2005 and 2006, respectively. This represents an increase of 0.46 percentage points over the reference period and a slight -0.98 point decrease over four years (2003-2006).

In 2005, of the total number of 274 covered channels, 131 channels achieved the majority proportion specified in Article 4 of the Directive, whereas 134 channels were below the target. The compliance rate, in terms of number of channels, was 48%.

In 2006, of the total of 342 covered channels, 179 channels met the 50% minimum. 158 channels devoted less than 50% of their transmission time to European works. The compliance rate rose to 52%.

European works made by independent producers

The average proportion of European works by independent producers on all reported channels was 28.51% in 2005 and 29.72% in 2006, representing an increase of 1.21 percentage points over the reference period and a -2.28 point decrease over four years (2003-2006).

In 2005, of the total of 274 covered channels, 185 exceeded the minimum proportion specified in Article 5 of the Directive, while 80 channels were below the target. The compliance rate, in terms of number of channels, was 68%.

For 2006, of the total of 342 channels, 227 channels exceeded the minimum proportion of transmission time specified in Article 5 of the Directive. 110 channels did not meet the target. The compliance rate was 66%.

The average relative proportion dedicated to recent European works by independent producers for all channels was 67.63% and 69.58% in 2005 and 2006, respectively, representing a slight increase of 1.85 percentage points over the reference period.

As reasons for failure to achieve the required proportions, the report refers to several factors: the special-interest character and recent nature of the channels concerned; relatively small audience shares; the difficulty in finding European programmes at competitive prices; and the fact that the affected channels are subsidiaries of companies based in third countries broadcasting programmes mostly from their or a distributor's stock. The Commission

reiterates that the proportion specified in Article 4(1) of the Directive applies each year to all the television channels of broadcasters within the jurisdiction of the Member State concerned, with a view in particular to ensuring equal competition. This notwithstanding, the Commission acknowledges that the UK has not only been able to stem the considerable fall in the compliance rate for the scheduling of European works noted in the last report (the number of compliant channels having increased from 101 in 2004 to 179 in 2006), but also managed to stabilise average transmission figures at around 53%. Moreover, the Commission notes that for the public analogue and digital terrestrial channels, the overall proportion of European works in 2006 was 87% and the proportion of independent European works was 33%.

BACKGROUND DOCUMENT 4 — Summary of the reports from the Member States

Key abbreviations:

EW	European works ²⁰ in relation to TQT (see Article 4 of the Directive)
IP	European works made by independent producers in relation to TQT (see Article 5 of the Directive)
RW	Recent European works by independent producers in relation to IP (see Article 5 of the Directive)
TQT	Total qualifying transmission time (excluding news, sport events, games, advertising, teletext services and teleshopping)
NC	Channels for which no data were communicated
NO	Channels non-operational during the period concerned

EX Channels exceptionally exempted²¹ or exempted under the ‘where practicable’ provision (following specific reasons given by the Member States)

²⁰ See Article 6 of the Directive.

²¹ The reporting obligation under Article 4(3) applies to all transmissions by broadcasters within the jurisdiction of a Member State, with the following exceptions:

- Articles 4 and 5 do not apply to ‘news, sports events, games, advertising, teletext services and teleshopping’;
- Following Article 9, Articles 4 and 5 do not apply to ‘television broadcasts that are intended for local audiences and do not form part of a national network’;
- Following Recital 29 of Directive 97/36/EC, ‘channels broadcasting entirely in a language other than those of the Member States should not be covered by the provisions of Articles 4 and 5’;
- Under Article 2(6), the Directive does not apply to broadcasts intended exclusively for reception in third countries, and which are not received directly or indirectly by the public in one or more Member States.

BELGIUM

The Commission received two reports, one from the French Community of Belgium (BE-FR — Communauté française de Belgique) and one from the Flemish Community (BE-FL — Vlaamse Gemeenschap). No report was received from the German-speaking Community.

Number of channels	Reference period	Monitoring methods
BE-FL: Total identified: 38 (2005); 34 (2006) Covered (IND 1): 27 BE-FR: Total identified: 24 (2005); 21 (2006) Covered (IND 1): 16 (2005); 17 (2006)	2005/2006	BE-FL: Statements by the broadcasting companies BE-FR: Overall figures and sampling

(Deutschsprachige Gemeinschaft).

I. BE-FL channels

BE-FL	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
VRT	Eén	78.98%	86.79%	19.68%	25.04%	88.30%	88.71%
	Ketnet	55.81%	58.88%	17.81%	22.24%	72.21%	80.48%
	Canvas	81.80%	79.93%	8.92%	6.22%	91.34%	87.91%
VMMa	VTM	58.00%	72.00%	65.00%	64.00%	75.00%	93.00%
	Kanaal II	28.00%	21.00%	84.00%	84.00%	97.00%	98.00%
	Jim Tv	90.00%	88.00%	20.00%	20.00%	100.00%	100.00%
SBS Belgium	VT4	29.70%	27.73%	28.30%	26.65%	86.50%	79.36%
	Vijf Tv	16.90%	28.57%	14.70%	27.46%	85.40%	98.12%
Media ad Infinitum	Vitaya	60.00%	NC	20.00%	NC	100.00%	NC
Actua Tv	Actua Tv	EX	EX	EX	EX	EX	EX
Belgian Business Tv	Kanaal Z	EX	EX	EX	EX	EX	EX

NV							
Event Tv Vlaanderen	Liberty Tv.Com	100.00%	100.00%	12.70%	10.40%	100.00%	100.00%
Euro 1080 NV	Euro 1080	90.00%	90.00%	90.00%	90.00%	100.00%	100.00%
	Exqi Vlaanderen	90.00%	90.00%	90.00%	90.00%	100.00%	100.00%
Skynet iMotion Activities	11TV	EX	EX	EX	EX	EX	EX
	11TV PPV	EX	EX	EX	EX	EX	EX
	Via Calcio	EX	EX	EX	EX	EX	EX
Mtv Network Belgium	TMF	NC	NC	NC	NC	NC	NC
Nv Life! Tv Broadcasting Company	Life! Tv	NO	100.00%	NO	70.00%	NO	100.00%
Vlamex BVBA	S Tv	NO	NC	NO	NC	NO	NC
Okay Media NV	Okay tv	NO	NO	NO	NO	NO	NO
NV Prime Projects Media Group	Move X TV	NC	NC	NC	NC	NC	NC
	Move On	NC	NC	NC	NC	NC	NC
55 Plus TV	Plus TV	NO	NO	NO	NO	NO	NO
NV Telenet	Prime One	12.00%	27.00%	97.00%	97.00%	97.00%	99.00%
	Prime Action	8.60%	13.00%	96.00%	97.00%	96.00%	99.00%
	Prime Movies	20.50%	27.00%	87.50%	88.00%	87.50%	99.00%
	Prime One +1	12.00%	27.00%	97.00%	97.00%	97.00%	99.00%
	Prime Action +1	8.60%	13.00%	96.00%	96.00%	96.00%	99.00%

	Prime Fezztival	30.00%	27.00%	98.00%	93.00%	98.00%	99.00%
	Prime Sport	95.00%	95.00%	94.00%	94.00%	94.00%	100.00%
	Prime Sport 2	95.00%	95.00%	94.00%	95.00%	94.00%	100.00%
	Canal+ Rood	22.00%		89.00%		99.00%	
	Canal+ Blauw	20.00%		98.00%		99.00%	
	Canal+ Geel	18.50%		98.00%		99.00%	
	Fezztival	25.00%		98.00%		99.00%	
Box International BVBA	Box Tv	NO	NC	NO	NC	NO	NC
	Box T (Plus één uur)	NO	NC	NO	NC	NO	NC
Compliance rate (IND 3/5)			41%	41%	85%	70%	
Average % (IND 2/4/6)			47.77%	58.35%	67.23%	64.65%	93.80%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

VMMA:

The broadcasting channel Kanaal 2 did not achieve the 50% proportion of European productions (although it achieved 41% in 2004). However, the percentage of independent productions has increased sharply compared with the previous report.

If the three broadcasting channels of the Vlaamse Mediamaatschappij (VMMA) are considered together, the conclusion is that the requirements of Article 4 have been achieved. Therefore, the Flemish Community does not consider it necessary to take further action.

SBS-Belgium:

The broadcasting channel VT4 did not achieve the 50% proportion of European productions., In 2005, however, the figure was 30% compared with 25% in 2004. For 2006, a figure of 28% was reported. However, it must be pointed out that in June and July 2006 VT4 broadcast the football World Cup. Both the matches themselves and the accompanying programmes broadcast were ‘own’ productions, which by law are not included in the relevant transmission time.

The majority of VT4 programming in prime time comprises local productions. These productions are very expensive for the broadcaster, given that they target a small market with fragmented advertising spending. More than 50% of the budget was spent on European productions, so this broadcasting channel, SBS, can indeed be said to be making genuine efforts to show European and independent productions.

As a new broadcasting channel, Vijf Tv did not achieve the required proportion either. However, it was launched only on 1 October 2004, and was given limited broadcasting time and limited resources. With the limited budget, mainly bought-in programmes were broadcast. In 2006, a share of 29% was already achieved. Moreover, an average 4 hours per day are devoted to phone-in games. This time is not included in the statistics, however. These programmes are produced by a Dutch production company and therefore should, in the view of the Flemish authorities, be regarded as European productions.

NV Telenet — Prime

Only the broadcasting channels Prime Sport and Prime Sport 2 did not achieve the 50% proportion of European productions. Given their specific nature, however, these pay channels did not have to meet the requirement. Accordingly, it was not necessary to take action.

The broadcasting channels Canal+ Blauw, Rood and Geel and Fezztival were operational until 2 September 2005. Since 3 September 2005, the 7 Prime channels have been active. The programming is not entirely comparable with the former Canal +, which is why for 2005 both the old and the new channels are included. Since Canal+ stopped broadcasting in September 2005, these channels were no longer taken into account for the 2006 statement.

2. Minimum proportion of European works by independent producers (Article 5)

Here the only comment to be made concerns the public broadcaster VRT for 2005 and 2006, and more specifically Canvas.

VRT's second broadcasting channel is divided between Ketnet (for children and young people) and Canvas (information, culture, education).

Canvas's broadcasts did not achieve the target set in Article 5. If both Ketnet and Canvas are considered as a whole, however, the target would have been met easily.

B) Measures taken or envisaged by the Member State

The Flemish authorities do not envisage taking any measures.

C) Further comments

The Flemish media landscape comprises a public broadcaster and private broadcasters. The number of private broadcasters has significantly increased. The regional broadcasters do not fall within the scope of Articles 4 and 5.

II. BE-FR

BE-FR	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						

RTBF 1 ²²	La Une	78.60%	78.10%	46.23%	41.30%	71.42%	82.97%
RTBF 2 ²³	La Deux	91.40%	78.30%	43.75%	51.10%	81.55%	78.27%
BTV S.A.	AB3	57.52%	52.17%	35.40%	21.84%	26.44%	30.54%
BTV S.A.	AB4	59.97%	62.68%	53.74%	50.31%	13.29%	5.80%
BTV S.A.	AB5/La 4	96.98%	57.90%	96.98%	38.96%	96.10%	8.58%
TVi S.A.	RTL-Tvi	55.00%		22.00%		56.57%	
TVi S.A.	Club RTL	38.90%		32.40%		74.48%	
TVi S.A.	Plug TV	56.40%		36.30%		90.90%	
BeTV S.A.	Be1	60.50%	58.17%	47.30%	44.71%	95.77%	96.40%
BeTV S.A.	Be Ciné	59.20%	59.59%	59.20%	58.78%	85.47%	95.26%
BeTV S.A.	Be Ciné 2/Be Séries ²⁴	60.00%	56.40%	44.50%	42.93%	90.79%	95.18%
BeTV S.A.	Be Sport 1	86.10%	70.67%	86.10%	64.27%	100.00%	99.55%
BeTV S.A.	Be Sport 2	88.80%	71.96%	88.80%	64.37%	100.00%	98.98%
BeTV S.A.	Be Sport 3 ²⁵	EX	EX	EX	EX	EX	EX
BeTV S.A.	A la séance	54.10%	51.04%	54.10%	51.04%	84.84%	91.79%
SiA S.A.	11TV	NO	100.00%	NO	0.00%	NO	0.00%
SiA S.A.	11TV PPV	NO	EX	NO	EX	NO	EX
SiA S.A.	Via Calcio	NO	EX	NO	EX	NO	EX
SiA S.A.	A la demande	NO	NC	NO	NC	NO	NC
MCM Belgique	MCM	58.60%	54.72%	47.76%	52.79%	70.94%	68.10%
Event Network	Liberty TV	100.00%	88.52%	10.75%	16.04%	100.00%	76.13%

²² The 2005 data for RTBF could not be reviewed by the *Conseil supérieure de l'audiovisuel* (CSA), as the operator did not submit the information required for the audit; the 2006 data for RTBF could not be reviewed by the CSA by the deadline for this report, 25 October 2007. This will be confirmed at a later stage, if the operator submits the information required for the audit.

²³ Ibid.

²⁴ Be Ciné 2 was replaced by Be Séries on 4 September 2006. The data for both services were added.

²⁵ Be Sport 3, 11 TVPPV, Via Calcio, Canal Z are channels devoted to sporting events and information. They are exempted as their scheduling does not contain programmes eligible for inclusion in the quota calculations.

BBT	Canal Z	EX	EX	EX	EX	EX	EX
PPMG	Move On	NO	97.99%	NO	26.76%	NO	100.00%
PPMG	Move X	NO	74.82%	NO	36.18%	NO	100.00%
Compliance rate (IND 3/5)		94%	94%	100%	88%		
Average % (IND 2/4/6)		68.88%	69.56%	50.33%	41.34%	77.41%	70.47%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

RTL-TVI, CLUB RTL and PLUG TV:

In 2005, the overall quota for the three TVI s.a. channels operational during this period, RTL-TVI, CLUB RTL and PLUG TV, was 49%.

This proportion is above the minimum level (*'la clause de non-recul'*) set by Belgium's French Community (41.6%).

The broadcaster has stated that it analyses its compliance with the obligation to broadcast a majority proportion of European works for all its services as a whole.

The broadcaster TV1 s.a. did not submit any information regarding the three channels RTL-TV1, CLUB RTL and PLUG TV to the CSA for 2006. TV1 s.a. stated that it took *'a decision not to apply for its licence to be renewed by the Government of Belgium's French Community when it expired on 31 December 2005'* while *'the Luxembourgish company CLT-UFA s.a., the broadcaster of the channels RTL-TV1, CLUB RTL, and PLUG TV, is not subject to the Broadcasting Act of 27 February 2003 in terms of submitting to the Authorisation and Supervisory Board an annual report on the performance of the obligations contained in the Act in respect of its channels'*.

SIA 'On-demand':

The provider SIA did not submit any information regarding its 'on-demand' service to the CSA for 2006. It states that it is not in a position *at this moment in time* to provide more detailed information or calculations concerning quotas, or to investigate technical possibilities with a view to providing such information. The station states that, in any case, it has reservations concerning the application of quotas to 'on-demand' services.

2. Minimum proportion of European works by independent producers

RTL-TVI, CLUB RTL and PLUG TV:

TV1 s.a. did not submit any information regarding the three channels RTL-TV1, CLUB RTL and PLUG TV to the CSA for 2006 (see above).

SIA 'on-demand':

The provider SIA did not submit any information regarding its 'on-demand' service to the CSA for 2006 (see above).

11 TV:

The broadcaster has expressed reservations as to the interpretation according to which quotas for European independent works apply when new categories of programmes, such as sports journals, are incorporated into 11TV programmes dedicated to sporting events. In any event, the broadcaster is examining the extent to which it could call upon independent producers to produce some of its programmes.

3. Recent works

RTL-TVI, CLUB RTL and PLUG TV:

The operator TV1 did not submit any information regarding the three channels RTL-TV1, CLUB RTL and PLUG TV to the CSA for 2006 (see above).

SIA 'on-demand':

The provider SIA did not submit any information regarding its 'on-demand' service to the CSA for 2006 (see above).

AB4 et AB5 / LA 4:

For 2006, the station BTV did not submit any comments regarding non-compliance with the quota for recent independent European works fixed by the French Community of Belgium at 10% of total qualifying transmission time.

B) Measures taken or envisaged by the Member State

RTBF 1 et 2:

For 2005, the Authorisation and Supervisory Board of the CSA noted that RTBF did not submit any additional information allowing the broadcaster's quota declarations to be audited.

As the incomplete data provided by the broadcaster prevented the Board from sending the European Commission an audited report on its compliance with the obligations under the Television without Frontiers Directive, the Board, after due consideration, imposed an administrative fine of five thousand euros (€5000) on RTBF.

RTL-TVI, CLUB RTL and PLUG TV:

In its 2005 annual audit report, the CSA's Authorisation and Supervisory Board noted that CLUB-RTL failed to achieve a majority proportion of European works in 2005, both for CLUB-RTL itself and the three channels of TVI s.a. However, as the overall proportion for all three channels fell just short of the requirement (49%), the Board decided not to issue a formal notice of non-compliance to the provider.

For 2006, the CSA's Authorisation and Supervisory Board noted that TVI had not submitted any annual report concerning, in particular, its obligations in terms of quotas, and it consequently opened infringement proceedings.

SIA ‘on-demand’:

For 2006, the CSA’s Authorisation and Supervisory Board noted that SIA had not submitted any annual report containing information regarding its obligations in terms of quotas, and it consequently opened infringement proceedings.

AB4 et AB5 / LA 4:

In its 2006 annual audit report, the CSA’s Authorisation and Supervisory Board noted that the BTV s.a. station failed to comply with the 10% proportion of recent independent European works in 2006, both individually for AB4, AB5 and LA4 and for the broadcaster’s three channels as a whole. It opened infringement proceedings.

C) Further comments

In the French Community of Belgium, the CSA monitors compliance with the various European quotas based on the following elements: an annual declaration made by broadcasters; communication of a sample of one week of programmes per quarter, which is analysed subsequently by the regulatory body, using an electronic chart and dated and categorised data; an audit of calculation methods; checking the data against the published programme schedules and against a sample of programmes stored on a monitoring system; lastly, in cases of non-compliance, an investigation, a hearing and a decision taken by the independent authority accompanied, if necessary, by a penalty. The CSA may also impose penalties if providers fail to communicate the appropriate data. The audit reports and any decisions taken by the CSA in the event of non-compliance are published, in particular on its website: www.csa.be.

The legal requirements for quotas of European works have been strengthened by the new Broadcasting Act of 27 February 2003, which has been fully in force as of 2004. A majority proportion of European works as well as a minimum proportion of independent works (10%) and recent works (10%) are now compulsory.

Article 43.

§ 1. RTBF and other television broadcasting services shall ensure that the majority proportion of their time on air is dedicated to European works, including original works by authors from the French community, with the exception of time for news programmes, sporting events, games, advertising, advertising own programmes, teleshopping or teletext services.

§ 2. The broadcasting services referred to in §1 shall ensure that 10 percent of all transmissions consists of European works by independent producers of television broadcasting services, including independent producers from the French community, with the exception of time for news programmes, sporting events, games, advertisements, advertising own programmes, teleshopping and teletext services.

These works may not have been produced more than 5 years before they are first broadcast.

§ 3. This article shall not apply to television broadcasting services aimed at a local audience and which are not part of a national network. Nor shall it apply to television broadcasting services which exclusively use a language other than the languages which are official or recognised by the Member States of the European Union and whose programmes

are aimed exclusively at reception outside the European Union and which are not received directly or indirectly by audiences in one or more Member States.

- The report has been presented and submitted for comments to the associations representing the independent production and other production sectors. The following observations were made at this hearing:

- the quality of the monitoring and the decisions taken by the CSA to ensure that broadcasters comply with quotas are supported; the CSA is requested to continue to treat broadcasters equally in this way;

- niche channels that only broadcast programmes subject to quota calculations in particular instances should be allowed to be exempt from them; where eligible programmes are regularly broadcast on such channels, the independent production quota remains relevant;

- the monitoring tool for quotas would be improved if, additionally, the audiences for channels and the broadcasting times of the works were taken into account, in order to maintain the best conditions for the broadcasting of European works;

- European works should benefit from an appropriate support policy for non-linear services such as video on-demand channels, for example in the form of non-linear providers having to meet production or catalogue quotas; such a policy should encourage the broadcasting of works in the French language.

CYPRUS

Number of channels	Reference period	Monitoring method
Total identified: 7 Covered (IND 1): 5	2005/2006	Samples

CY	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
	CyBC-1	85.90%	93.70%	5.70%	2.80%	100.00%	54.80%
	CyBC-2	40.60%	52.10%	3.30%	0.00%	100.00%	100.00%
	Antenna	58.90%	74.50%	3.50%	6.20%	100.00%	100.00%
	Mega	73.30%	82.20%	0.60%	0.00%	100.00%	100.00%
	Sigma	33.80%	46.30%	35.40%	23.40%	100.00%	100.00%
	Lumiere TV	EX	EX	EX	EX	EX	EX
	Alpha TV	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		60%	80%	20%	20%		
Average % (IND 2/4/6)		58.50%	69.76%	9.70%	6.48%	100.00%	90.96%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

CyBC-2

CyBC-2 is the sports and recreationally oriented channel of the public service broadcaster. Consequently, its programme orientation justifies its relatively lower percentage compared with other channels: 46.4% European works. CyBC-1, also operated by the public broadcasting corporation, has a very high percentage of European works — 89.8%. Nonetheless, it must be pointed out that CyBC-2 has substantially increased its scheduling of European works (by 16.8%) compared to the figure in the last monitoring report for 2004.

Sigma

Sigma channel transmitted a low percentage (40%) of European works during the reference period. Nonetheless, it must be pointed out that the station has significantly increased its share of European works (by 5.2%) compared to the figure in the last monitoring report for 2004. In

any event, the Cyprus Radio–Television Authority (CRTA) will continue its dialogue with the channel in order to find ways to increase its percentage.

2. Minimum proportion of European works by independent producers (Article 5)

All channels had a fairly low percentage of European works by independent producers, apart from Sigma TV, which achieved quite a high proportion of 29.4%. CRTA will issue a recommendation to all broadcasters to urge them to look into the matter and try to increase the time devoted to independent productions.

B) Measures taken or envisaged by the Member State

The measures being considered by the CRTA to increase the levels and percentages of European and independent works broadcast on all TV channels under its jurisdiction are: (1) to communicate to all national TV channels the results and conclusions of the last monitoring report as well as the results of this report (2005-2006) and (2) to remind them of their obligations under the Directive concerning this matter.

CZECH REPUBLIC

Number of channels	Reference period	Monitoring method
Total identified: 32 Covered (IND 1): 25 (2005); 28 (2006)	2005/2006	Annual statements by broadcasters

CZ	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
CET 21spol. s. r.o.	Nova	59.90%	58.40%	31.8%	34.10%	30.6%	34.30%
FTV Prima, spol. s r.o.	Prima televize	68%	58%	29.8%	27%	100.0%	98%
Česká televize	ČT 1	85.8%	86%	19.8%	17.40%	53.5%	60.20%
Česká televize	ČT 2	90.20%	89.10%	18.3%	16.10%	56.2%	52.70%
Česká televize	ČT24	NO	EX	NO	EX	NO	EX
Česká programová společnost spol. s r.o.	Spektrum	55.50%	68.37%	NC	39.88%	NC	NC
HBO Česká republika, spol. s r.o.	HBO	19.82%	19.01%	NC	7.16%	NC	NC
HBO Česká republika, spol. s r.o.	HBO 2	20.72%	16.35%	NC	7.38%	NC	NC
HBO Česká republika, spol. s r.o.	Cinemax	25.36%	32%	NC	8.09%	NC	NC
HBO Česká republika, spol. s r.o.	Cinemax 2	NO	NC	NO	NC	NO	NC
Minimax Media s.r.o.	Minimax	70.00%	73%	70.0%	73%	45.0%	46%
Stanice O, a.s.	Óčko	100.00%	83.40%	NC	60%	NC	100%

REGION MEDIA s.r.o.	24.CZ	NO	EX	NO	EX	NO	EX
Galaxie sport, s.r.o.	Galaxie sport	EX	EX	EX	EX	EX	EX
SAT Plus, s.r.o.	FUN 1	EX	EX	EX	EX	EX	EX
TELEPACE s.r.o.	TV NOE	NO	100%	NO	43%	NO	NC
Československá filmová společnost, s.r.o.	CS film	100%	100%	NC	5.50%	NC	8, 30%
HELP FILM, s.r.o.	Filmbox	60.07%	66.70%	NC	66.70%	NC	15.20%
HELP FILM, s.r.o.	Nonstop kino	NO	27.60%	NO	27, 60%	NO	46, 90%
RTA ZLÍN, s.r.o.	RTA ZLÍN	NC	100%	NC	0%	NC	0%
FATEM — TV a.s	RTA JIŽNÍ MORAVA-	NC	NC	NC	NC	NC	NC
GENUS TV a.s.	GENUS TV	NC	100%	NC	74.70%	NC	74, 70%
RTA JIŽNÍ ČECHY, s.r.o	RTA JIŽNÍ ČECHY	NC	100%	NC	0%	NC	0%
Regionální televize DAKR, s.r.o	DAKR	NC	100%	NC	64%	NC	64%
Studio CLIPPER s.r.o.	RTA OSTRAVA	NC	100%	NC	0%	NC	0%
Studio Re Vi s.r.o.	RTM	NC	100%	NC	2%	NC	100%
Českomoravská televizní, s.r.o.	Vysočina TV	NC	100%	NC	83%	NC	83%
TV LYRA s.r.o.	LYRA TV	NC	100%	NC	67%	NC	67%
TV MORAVA, s.r.o.	TV MORAVA	NC	100%	NC	70.30%	NC	70.30%
TV Vřídlo s.r.o.	TV Vřídlo	NC	100%	NC	74.40%	NC	74.40%

RTA VÝCHODNÍ ČECHY, s.r.o.	RTA VÝCHODNÍ ČECHY	NC	100%	NC	0%	NC	0%
ZAK TV s.r.o.	ZAK	NC	100%	NC	74, 40%	NC	74.40%
Compliance rate (IND 3/5)		36%	79%	20%	61%		
Average % (IND 2/4/6)		62.95%	79.92%	33.94%	35.03%	57.06%	52.19%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

In the period monitored, a majority proportion of European works was not achieved only by those channels devoted solely to films. The broadcasters justify this trend by the situation in the film market, where the supply of high-quality, commercially successful films of European origin does not adequately meet the demands of television channels focusing on this type of product.

2. Minimum proportion of European works by independent producers (Article 5)

The failure to reach the 10% proportion of European works produced by independent producers in 2006 was particularly evident in the case of some terrestrial regional broadcasters, which regularly produce all their programmes themselves. The programmes of such operators are broadcast only for a few hours per day and mainly consist of regional information services. Most such operators practically do not transmit any other programming.

B) Measures taken or envisaged by the Member States

In 2007, the Council for Radio and Television Broadcasting prepared a methodological instruction explaining the requirements of Articles 4 and 5 of the Directive, addressing the terrestrial regional broadcasters. An analysis of the data found that a number of such operators were not aware that the Directive's requirements also apply to their broadcasts (which is why data were not communicated for 2005). Problems were also detected with the record-keeping of such operators.

The Council also intends to address selected satellite broadcasters whose record-keeping on works by independent producers was found to be insufficient, resulting in the absence of relevant data.

DENMARK

Number of channels	Reference period	Monitoring method
Total identified: 27 Covered (IND 1): 17 (2005); 18 (2006)	2005/2006	-

DK	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
DR	DR 1	82%	79%	16%	16%	63%	63%
DR	DR 2	84%	85%	18%	17%	56%	59%
TV 2/DANMARK	TV 2	48.4%	48.6%	75%	75%	89%	82%
TV 2 Zulu A/S	TV 2 Zulu	31%	28%	64%	67%	74%	69%
TV 2 Charlie A/S	TV 2 Charlie	77%	69%	96%	96%	54%	34%
TV 2 Film A/S	TV 2 Film	21%	13%	83%	66%	8%	6%
TV 2 News	TV 2 News	NO	EX	NO	EX	NO	EX
TV/MIDTVE ST	TV/MIDTVE ST	100%	100%	6.7%	16%	NC	NC
TV 2/NORD	TV 2/NORD	100%	100%	4%	8%	100%	100%
TV SYD	TV SYD	100%	100%	24%	25%	100%	100%
TV 2/ØSTJYLLAND	TV 2 /ØSTJYLLAND	100%	100%	0%	0%		
TV 2 LORRY	TV 2 LORRY	100%	100%	3%	3%	NC	NC
TV 2/FYN	TV 2/FYN	100%	100%	1%	2%	100%	100%
TV 2 ØST	TV 2 ØST	100%	100%	0%	0%		
TV 2/BORNHOLM	TV 2/ BORNHOLM	100%	100%	0%	0%		

CIAC Holding	DK4	100%	100%	7%	7%	40%	35%
NORDJYSKE MEDIER	24NORDJYS KE	100%	100%	0%	0%		
SBS Broadcast Danmark A/S	Kanal 4	36%	34%	95%	99%	95%	97%
Skandinavian Movie Channel ApS	Skandinavian Movie Channel	NO	100%	NO	100%	NO	33%
Ciac A/S	DK Sport	EX	EX	EX	EX	EX	EX
DanToto A/S	DanToto Racing Live	EX	EX	EX	EX	EX	EX
Mesopotamia Broadcast	ROJ TV	EX	EX	EX	EX	EX	EX
Mesopotamia Broadcast	METV	EX	EX	EX	EX	EX	EX
Mesopotamia Broadcast	MMC	EX	EX	EX	EX	EX	EX
Mesopotamia Broadcast	NUCE	EX	EX	EX	EX	EX	EX
TV 2 Pay Per View A/S	TV 2 Pay Per View	NO	NO	NO	NO	NO	NO
Localeyes.tv A/S	Localeyes.t v	NO	EX	NO	EX	NO	EX
Compliance rate (IND 3/5)		76%	78%	47%	56%		
Average % (IND 2/4/6)		81.14%	80.92%	28.98%	33.17%	70.82%	64.83%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

- Three channels (TV2 Zulu, TV2 Film and Kanal 4, with audience shares of 2.8%, 1.1% and 3.9%, respectively) broadcast less than 50% European works in 2006.
- One channel (TV2/DANMARK) broadcast 49% European works in 2006, and this percentage increased over the year.

2. Minimum proportion of European works by independent producers (Article 5)

- Three regional TV 2 channels (see section C) do not broadcast any programmes produced by independent producers. These channels primarily broadcast locally produced news and current affairs programmes.
- One channel (24NORDJYSKE) also does not broadcast programmes produced by independent producers. This is a niche channel that primarily broadcasts locally produced news and current affairs programmes.

B) Measures taken or envisaged by the Member State

- The Radio and Television Board intends to call on the three channels (TV2 Zulu, TV2 Film and Kanal 4) broadcasting less than 50% European works to ensure that more than half of their airtime not taken up by news programmes, coverage of sports events, competitions, advertising, teleshopping and teletext is allocated to European programmes.
- The Radio and Television Board will inform TV2/DANMARK that it must aim to ensure that more than half of its airtime not taken up by news programmes, coverage of sports events, competitions, advertising, teleshopping and teletext is allocated to European programmes, thereby maintaining the increase to date.

C) Further comments

- The eight regional TV 2 channels (TV/MIDTVEST, TV2/NORD, TV SYD, TV 2/ØSTJYLLAND, TV 2 LORRY, TV 2/FYN, TV2 ØST, TV 2/BORNHOLM) broadcast between 30 minutes and one hour a day in slots on TV 2's terrestrial channel. These channels mainly broadcast locally produced news and magazine programmes.
- The Scandinavian Movie Channel (SMC) has stated that the company is owned partly by an investment group (IDIC ApS), and partly by a partnership made up of 125 film producers (DIGIRET ApS), each owning 50%. As these film producers also supply some of the works broadcast, this has cast doubt on their independent status. SMC has expressed the view that these are independent producers and has stressed in this regard that the producers in question are financially independent of SMC, that no secondary rights have been transferred to SMC and that SMC does not commission productions from the producers in question.
- The following channels are not included in the statistical summary:
 - DK Sport, broadcasts sports events and sports news only
 - ROJ TV, broadcasts exclusively in Kurdish
 - METV, broadcasts exclusively in Kurdish
 - MMC, broadcasts exclusively in Kurdish
 - NUCE, broadcasts exclusively in Kurdish
 - DanToto Racinglive, broadcasts sports news only

- Localeyes.tv, broadcasts news programmes only
- TV 2 News, broadcasts news programmes only
- The following channels began broadcasting during 2005-2006:
 - TV 2 News — launched on 1 December 2006
 - Skandinavian Movie Channel — launched on 1 September 2006
 - Localeyes.tv — launched on 1 June 2006
- TV 2 Pay Per View will begin broadcasting in 2007.

GERMANY

Number of channels	Reference period	Monitoring methods
Total identified: 41 Covered (IND 1): 37 (2005); 41 (2006)	2005/2006	Public service broadcasters communicate their own data The media authorities of the <i>Länder</i> (federal states) communicate data on private broadcasters

DE	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
ARD	ARD	90%	90%	34%	37%	82%	84%
ZDF	ZDF	86%	86%	23%	21%	59%	87%
ARD/ZDF	Phoenix	99%	99%	1%	1%	100%	100%
ARD/ZDF	KiKa	78%	80%	52%	53%	63%	62%
ARD,ZDF,ORF,SRG	3sat	96%	96%	32%	33%	83%	83%
Bibel TV Stiftung GmbH	Bibel TV	60%	60%	95%	90%	80%	85%
DSF Deutsches SportFernsehen GmbH	DSF	100%	99%	90%	76%	99%	93%
Gute Laune TV GmbH	Gute Laune TV	100%	100%	97%	90%	50%	55%
JETIX Europe GmbH	JETIX	25%	30%	64%	56%	60%	59%
n-tv Nachrichtensender	n-tv	75%	75%	30%	30%	99%	99%
ONYX Television GmbH	Terranova	80%	76%	91%	95%	67%	56%
Premiere	Premiere	30%	31%	100%	100%	60%	62%
ProSiebenSat1 Media AG	9Live	100%	100%	52%	52%	83%	97%
ProSiebenSat1 Media AG	Sat1	86%	86%	84%	80%	78%	82%
ProSiebenSat1 Media AG	ProSieben	64%	60%	77%	77%	69%	66%
ProSiebenSat1 Media AG	Kabel 1	23%	26%	99%	99%	26%	29%
ProSiebenSat1 Media AG	N24	54%	55%	94%	95%	73%	63%

ProSiebenSat1 Media AG	Kabel 1 classics	NO	26%	NO	100%	NO	0%
ProSiebenSat1 Media AG	Sat1 comedy	NO	41%	NO	86%	NO	28%
RTL2 Fernsehen GmbH&CoKG	RTL2	48%	43%	45%	39%	94%	92%
RTL Disney Fernsehen GmbH&CoKG	Super RTL	34%	33%	100%	100%	54%	55%
RTL Television GmbH	RTL	80%	79%	56%	56%	87%	84%
Spiegel TV GmbH	Spiegel TV	100%	100%	100%	100%	75%	75%
The Walt Disney Company GmbH (Germany)	Disney Channel	22%	23%	14%	16%	22%	23%
The Walt Disney Company GmbH (Germany)	Playhouse Disney	32%	38%	24%	30%	32%	38%
The Walt Disney Company GmbH (Germany)	TOON Disney	8%	10%	0%	2%	8%	10%
TM-TV GmbH	Tele 5	68%	65%	100%	100%	66%	55%
Viacom	MTV	30%	30%	70%	70%	85%	85%
Viacom	VIVA	45%	45%	80%	80%	90%	90%
Viacom	VIVA Plus	50%	45%	90%	90%	95%	95%
Viacom	NICK	20%	20%	25%	25%	95%	95%
VOX Film-u. Fernseh GmbH&CoKG	VOX	41%	45%	80%	83%	92%	96%
Würfelzucker TV	Würfelzucker TV	NO	NC	NO	90%	NO	NC
Discovery Communications Deutschland GmbH	Discovery Channel	30%	40%	45%	45%	90%	85%
Discovery Communications Deutschland GmbH	Animal Planet	50%	55%	50%	50%	50%	45%
Discovery Communications Deutschland GmbH	Discovery Geschichte	70%	80%	54%	54%	90%	50%

Discovery Communications Deutschland GmbH	Discovery HD	NC	NC	NC	NC	NC	NC
XXP TV Das Metropolenprogramm GmbH&CoKG	DMAX	NO	40%	NO	50%	NO	90%
GoldStarTV GmbH&CoKG	Goldstar TV	90%	95%	80%	78%	20%	25%
GoldStarTV GmbH&CoKG	Heimatkanal	100%	100%	85%	80%	10%	12%
Hit24 Television GmbH	Hit24	60%	65%	95%	95%	30%	34%
Compliance rate (IND 3/5)		62%	54%	92%	93%		
Average % (IND 2/4/6)		61.78%	60.69%	64.11%	65.10%	67.11%	64.72%

A) Reasons given by the Member State for failure to achieve the proportions

JETIX: special-interest channel (children)

Premiere: special-interest channel (pay TV, subscription TV), some channels well above quota requirements

Kabel 1: specific programming focus: motion picture classics from the 1950s to 1980s

RTL 2: none

Super RTL: special-interest channel (children)

Disney Channel: special-interest channel, local productions transferred to Playhouse Disney

Playhouse Disney: special-interest channel

Toon Disney: special-interest channel, productions from the Disney library

MTV: special-interest channel (music)

VIVA: special-interest channel (music)

Nick: special-interest channel (children)

VOX: none

Discovery Channel: special-interest channel (documentaries)

B) Measures taken or envisaged by the Member State

Where channels have failed to achieve the proportions specified in Articles 4 and 5 of the Directive, the German authorities have initiated talks with the relevant broadcasters to discuss the situation (provided that the failure to achieve these proportions was not due to the specialised nature of the channels in question). In some cases, these talks have already had some initial success.

ESTONIA

Number of channels	Reference period	Monitoring method					
Total identified and covered (IND 1): 3	2005/2006	Daily monitoring, carried out by an independent research company (TNS EMOR)					
EE	MS	EW (% of TQT)		IP (%TQT)		RW (%IP)	
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Estonian Television ETV	ETV	86.40%	86.20%	60.60%	75.00%	23.50%	43.80%
Kanal 2	Kanal 2	48.00%	51.00%	33.90%	33.80%	22.80%	19.80%
TV 3	TV 3	51.00%	51.00%	43.80%	37.80%	32.10%	28.70%
Compliance rate (IND 3/5)		67%	100%	100%	100%		
Average % (IND 2/4/6)		61.80%	62.73%	46.10%	48.87%	26.13%	30.77%

A) Reasons given by Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

The commercial broadcaster Kanal 2 did not meet the 50% minimum in 2005 as it underwent some changes in the structure of its programming, changing at the same time its software used for planning and assessment of the programme schedule. This caused some inaccuracies and the failure to achieve the proportions became evident at a later stage only.

B) Measures taken or envisaged by the Member State

Kanal 2 submitted its explanations for failure to achieve the required proportion (see section A) and was given a warning. It reached the target in 2006.

C) Further comments

Cable TV broadcasters under Estonian jurisdiction are regarded as local broadcasters not forming part of a national network. In accordance with Article 9 of the Directive, which states that Articles 4 and 5 do not apply to 'television broadcasts that are intended for local audiences and do not form part of a national network', information concerning cable TV channels has not been submitted.

During the reporting period 2005-2006, none of the cable TV broadcasters operational in Estonia had a nationwide coverage. They remained regional, addressing local audiences and not forming part of a national network. As an exemption for such channels is allowed under

Article 9 of the Directive and under the Estonian Broadcasting Act, their non-inclusion has seemed appropriate and reasonable so far. Estonia is a sparsely populated country where cable TV is accessible only in bigger towns and settlements. In smaller villages, cable networks have not been installed for economic reasons. Therefore, the potential audience of cable channels is considerably smaller than for terrestrial transmission. As the Estonian audiovisual sector is extremely small and with a restricted language area, these specific characteristics should be taken into account when imposing obligations on TV channels.

GREECE

Number of channels	Reference period	Monitoring method
Total identified: 48 Covered (IND 1): 40 (2005); 38 (2006)	2005/2006	Greek National Council for Radio and Television (NCRTV)

EL	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
ERT S.A.	ET1	83.29	77.32	20.33	13.68	71.31	87.14
ERT S.A.	NET	92.08	80.43	9.25	6.02	35.73	70.93
ELEFTHERH THLEORASH S.A.	ALTER CHANNEL	88	88	28	27	94.6	104.32
ANTENNA TV	ANTENNA TV	68.87	69.28	30.69	33.44	27.46	28.96
MEGA TV	MEGA TV	78.9	81.7	51.6	51.1	34.3	45.2
MAKEDONIA TV	MAKEDONIA TV	65.51	66.37	42.17	46.39	11.65	14.13
ALPHA DORYFORIKI THLEORASH	ALPHA TV	80	55	45	52	72	99
RADIOTHLEOPTIKH S.A.	902 ARISTERA STA FM	89.99	74.55	13.33	12.14	0	0
NEA THLEORASH S.A.	STAR CHANNEL	46.96	46.82	20.39	20.65	100	100
EIDISEIS DOT COM S.A.	SKAI TV	NO	51.44	NO	54.52	NO	78.29
DISCOVERY COMMUNICATION EUROPE	ANIMAL PLANET	62.43	67.01	10.60	15.00	7.58	11.00
DISCOVERY COMMUNICATION EUROPE	DISCOVERY	55.30	41.00	10.24	6.00	9.37	6.00
NGC — UK PARTNERSHIP	NATIONAL GEOGRAPHIC	41.51	43.91	37.52	40.23	30.19	36.86

MGM FILMS LTD	MGM	9.50	15.34	0.00	0.00	0.00	0.00
GREEK PARLIAMENT	CHANNEL OF THE GREEK PARLIAMENT	100.00	48.61	0.00	0.00	42.73	0.00
EUROSPORT SA	EUROSPORT NEWS	EX	EX	EX	EX	EX	EX
EUROSPORT SA	EUROSPORT	EX	EX	EX	EX	EX	EX
ANTENNA GOLD OVERSEAS LTD	ANTENNA GOLD	100.00	100.00	91.18	100.00	69.11	60.67
ANTENNA T. V. S.A.	BIG MOTHER/BROTHER	EX	EX	EX	EX	EX	EX
ANTENNA T. V. S.A	FAME STORY 4	EX	EX	EX	EX	EX	EX
ALPHA DORIFORIKI TILEORASH S.A.	DREAMSHOW	EX	EX	EX	EX	EX	EX
ALPHA DORIFORIKI TILEORASI S.A.	DREAMSHOW 2	EX	EX	EX	EX	EX	EX
ERT S.A.	ET3	79.48	46.01	2.22	21.25	0.27	36.94
ERT S.A.	EUROVISION CHANNEL	0.00	100.00	0.00	0.00	0.00	0.00
NETMED HELLAS SA	FILMNET 1	50.04	50.67	27.07	35.72	85.47	84.48
NETMED HELLAS SA	FILMNET 2	45.93	46.47	25.56	33.74	86.26	86.59
NETMED HELLAS SA	FILMNET 3	37.99	63.81	22.36	27.17	83.61	87.94
NETMED HELLAS SA	FILMNET SUMMER	32.35	0.00	17.84	0.00	65.26	0.00
NETMED HELLAS SA	SUPERSPORT 1	58.40	86.82	0.00	0.00	0.00	0.00
NETMED HELLAS SA	SUPERSPORT 2	87.13	83.15	0.00	0.00	0.00	0.00
NETMED HELLAS SA	SUPERSPORT 3	93.33	65.55	0.00	0.00	0.00	0.00
NETMED HELLAS SA	SUPERSPORT SPECIAL / SUPERSPORT 4	74.15	51.35	0.00	0.00	0.00	0.00
MOTORS TV	MOTORS TV	14.51	14.58	8.91	8.67	13.68	5.02
THE HISTORY CHANNEL (UK)	HISTORY CHANNEL	7.03	10.83	4.13	2.12	1.45	1.43

LAGARDERE NETWORKS INTERNATIONAL	MEZZO	100.00	100.00	0.00	0.00	0.00	0.00
JETIX EUROPE LIMITED	JETIX	38.85	35.22	0.00	0.00	0.00	0.00
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	CARTOON NETWORK	25.54	19.82	3.21	1.82	0.00	0.93
AB GROUP SA	CHASSE & PECHE	100.00	NC	4.15	NC	1.46	NC
MTV NETWORKS EUROPE	MTV	0.00	0.00	0.00	0.00	0.00	0.00
MTV NETWORKS EUROPE	VH1	0.00	0.00	0.00	0.00	0.00	0.00
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	TCM	33.59	33.42	0.00	0.42	0.00	100
THEMATIKA DIKTYA S.A.	GBC	100.00	NO	41.87	NO	41.87	NO
TURNER BROADCASTING SYSTEM EUROPE DISTRIBUTION SYSTEM	CNN	EX	EX	EX	EX	EX	EX
LANDMARK TRAVEL CHANNEL LIMITED	TRAVEL CHANNEL	72.60	55.30	70.23	30.25	57.81	30.25
MAD TV S.A.	MAD TV	80.00	82.64	63.04	82.64	31.10	82.64
MAD TV S.A.	MAD MUSIC AWARDS	100.00	100.00	0.00	0.00	0.00	0.00
RADIOTILEOPTIKI ALFA TV LTD	ALFA TV — CYPRUS	40.15	NO	1.71	NO	40.04	NO
LUMIERE TV	LTV- CYPRUS	34.47	NO	29.34	NO	31.19	NO
Compliance rate (IND 3/5)		60%	58%	50%	47%		
Average % (IND 2/4/6)		60.71%	55.47%	18.29%	19.51%	28.64%	60.71%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

SKAI TV: non-operational in 2005

GBC, ALFA TV-CYPRUS, LTV-CYPRUS: non-operational in 2006

Seven channels have been exceptionally exempted:

- four channels (Big Mother/Brother, Fame Story 4, Dreamshow and Dreamshow 2) transmitting 24-hour a day reality shows, for a period of three months each,
- two channels (Eurosport News and Eurosport) are sports channels,
- one channel (CNN) is a news channel.

13 channels in 2005 and 12 in 2006 (mainly channels broadcasting on the digital platform ‘NOVA’) did not achieve the 50% target: most are thematic channels.²⁶

2. Minimum proportion of European works by independent producers (Article 5)

Seven channels have been exceptionally exempted:

- four channels (Big Mother/Brother, Fame Story 4, Dreamshow and Dreamshow 2) transmitting in a twenty-four hour basis reality shows, for a period of three months each,
- two channels (Eurosport news and Eurosport) are sport channels,
- one channel (CNN) is a news channel.

Seven channels in 2005 and six channels in 2006 (mainly channels broadcasting on the digital platform ‘NOVA’) did not achieve the target: most are thematic channels.²⁷

B) Measures taken or envisaged by the Member State

- Most channels did comply with their obligations under Articles 4 and 5 of the Directive. Those free-to-air channels that failed to do so stated that they would try to comply as soon as possible. Some channels broadcasting on the ‘NOVA’ digital platform did not send any information.

C) Further comments:

- ERT S.A.’s 3 channels (ET1, NET, ET3): public service broadcasting organisation

²⁶ This does not include channels reported as ‘0%’ channels by the Greek authorities.
²⁷ Idem.

- ALTER CHANNEL, ANTENNA TV, MEGA TV, MAKEDONIA TV, ALPHA TV, 902 ARISTERA STA FM, STAR CHANNEL, SKAI TV: privately owned channels, broadcasting at national level, free-to-air analogue transmission.
- NetMed Hellas: privately owned analogue terrestrial platform, broadcasting three subscription channels (Filmnet, Supersport, Jetix).

Multichoice Hellas S.A.: privately owned digital platform, broadcasting various channels via satellite under the name 'NOVA'. The number of channels transmitting on NOVA varies each year, according to the private agreements signed between Multichoice Hellas S.A. and the channels.

SPAIN

Number of channels	Reference period	Monitoring method
Total identified: 66 Covered (IND 1): 48 (2005); 56 (2006)	2005/2006	Monitoring system based on verification and analysis of data obtained via two routes: - Data obtained via a company specialising in the television sector with which the Spanish administration has a technical assistance contract; - Data supplied by the broadcasters themselves (in the case of channels operating above regional level) or by the Autonomous Communities (in the case of channels operating at regional level).

ES	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
ANTENA 3 TV	Antena 3	60.01%	52.42%	43.51%	37.76%	96.70%	96.65%
	Antena 3 NEOX (as of 11/2005)	NC	NC	NC	NC	NC	NC
	Antena 3 NOVA (as of 11/2005)	NC	NC	NC	NC	NC	NC
RTVE	La Primera- TVE1	59.47%	60.84%	25.89%	27.63%	75.15%	77.80%
(E.P. RADIOTELEVISIÓ N ESPAÑOLA)	La 2	83.87%	78.89%	24.19%	22.71%	74.00%	75.65%
	TVE Internacional	73.93%	74.50%	20.57%	22.36%	88.86%	91.06%
	Clan TVE (in.: dic/05')	NO	62.42%	NO	25.31%	NO	72.40%
	Canal Docu TV	94.45%	96.72%	15.27%	24.41%	83.24%	93.61%
	Canal Clásico	86.73%	92.56%	22.44%	25.52%	53.48%	51.32%
	Teledeporte	EX	EX	EX	EX	EX	EX

	Canal 24Horas	EX	EX	EX	EX	EX	EX
GESTEVISIÓN TELECINCO, S.A.	Telecinco	78.33%	78.35%	43.47%	51.32%	95.22%	97.44%
	Telecinco Sport (as of 11/2005)	EX	EX	EX	EX	EX	EX
	Telecinco estrellas (as of 11/2005)	NC	NC	NC	NC	NC	NC
GESTORA DE INVERSIONES AUDIOVISUALES LA SEXTA, S.A.	La Sexta (as of 11/2005)	NO	72.38%	NO	61.20%	NO	90.30%
AXN Channel España, s.l.	AXN	52.00%	54.40%	9.85%	11.60%	58.30%	60.20%
Canal Cosmopolitan Iberia, S.L.U.	Cosmopolitan	29.00%	11.00%	24.00%	8.00%	63.00%	39.00%
FOX INTERNATIONAL CHANNELS ESPAÑA, S.L.	FOX (as of 1/06/2001)	10.00%	16.00%	10.00%	16.00%	100.00%	100.00%
	NATIONAL GEOGRAPHIC (as of 1/07/2004)	52.00%	58.00%	52.00%	58.00%	100.00%	100.00%
JETIX ESPAÑA, S.L.	JETIX	50.70%	52.60%	50.60%	52.50%	55.70%	65.90%
NBC Universal Global Networks España, S.L.	Calle 13	26.00%	31.00%	20.00%	28.70%	88.00%	76.00%
	SCI FI (as of 06/2006)	NO	2.20%	NO	2.20%	NO	100.00%
NET TV, S.A. SOCIEDAD GESTORA DE TELEVISIÓN	NET TV	74.00%	51.00%	74.00%	51.00%	54.00%	66.00%
	FLY MUSIC (as of 30/11/2005)	NO	60.00%	NO	60.00%	NO	100.00%
PARAMOUNT COMEDY CHANNEL	Paramount Comedy	67.10%	71.50%	49.90%	45.60%	91.40%	100.00%

ESPAÑA, S.L.							
	Nickelodeon	35.30%	32.10%	33.00%	31.50%	100.00%	49.00%
REAL MADRID C.F.	REAL MADRID TV	EX	EX	EX	EX	EX	EX
SOGECABLE	Cuatro (as of 7/11/2005)	56.54%	51.83%	30.53%	46.89%	49.13%	31.37%
	Viajar	88.89%	92.10%	86.23%	88.86%	89.50%	92.40%
	Caza y Pesca (as of 21/07/2003)	98.11%	97.67%	67.29%	71.50%	73.43%	71.41%
	Documania	75.11%	77.29%	96.70%	98.63%	74.61%	84.35%
	Canal +	50.22%	48.46%	55.34%	72.48%	95.13%	92.48%
	DCine Español (as of 21/07/2003)	98.82%	98.97%	99.77%	99.10%	0.20%	0.15%
	Cinemanía	25.39%	27.11%	97.74%	93.61%	21.28%	27.49%
	Golf+	EX	EX	EX	EX	EX	EX
	Sportmanía	EX	EX	EX	EX	EX	EX
	Canal+ Fútbol	EX	EX	EX	EX	EX	EX
Sogecable Música, S.L.	40TV	61.62%	65.40%	14.66%	16.20%	95.00%	95.00%
	40 Latino	75.46%	74.15%	16.90%	16.30%	95.00%	95.00%
VEO TELEVISIÓN	VEO1 (as of 1/06/2001)	100.00%	69.20%	98.50%	27.80%	100.00%	100.00%
	VEO2/SET EN VEO (as of 01/2006)	NO	68.73%	NO	49.80%	NO	98.80%
Walt Disney International	Disney Channel (as of 16/11/2001)	42.88%	43.93%	31.51%	42.47%	74.09%	55.94%
	Disney Channel+1 (as of 16/11/2001)	42.88%	43.93%	31.51%	42.47%	74.09%	55.94%

	Playhouse Disney (as of 16/1/2001)	54.55%	59.11%	43.92%	57.78%	61.98%	72.39%
	Toon Disney	26.59%	31.89%	26.06%	31.28%	86.16%	61.16%
Corporación Extremeña de Medios Audiovisuales	Canal Extremadura tv (as of 02/2006)	96.00%	57.87%	0.00%	0.57%	0.00%	0.00%
Televisión de Cataluña, S.A.	TV3	60.90%	63.80%	21.60%	19.30%	50.60%	46.80%
	K3/33	63.10%	68.70%	59.70%	51.70%	72.40%	68.40%
	TVI	83.40%	86.80%	30.70%	50.20%	76.60%	65.30%
RADIOTELEVISIÓN VALENCIANA	Canal Nou	59.27%	61.64%	26.17%	34.07%	67.50%	65.60%
	Punt 2	78.63%	81.89%	47.60%	45.52%	50.30%	71.40%
	Popular TV Mediterráneo (as of 18/10/2006)	NO	51.00%	NO	21.20%	NO	13.50%
	Las Provincias TV (as of 18/10/2006)	NO	34.65%	NO	18.07%	NO	15.28%
EITB	ETB1	97.40%	95.10%	58.90%	61.00%	87.00%	87.40%
	ETB2	52.70%	51.60%	42.40%	43.90%	82.00%	82.90%
COMPAÑÍA DE RADIO TELEVISIÓN DE GALICIA	TVG	56.25%	66.00%	16.00%	17.00%	70.61%	69.09%
TELEVISIÓN AUTONÓMICA DE ARAGÓN, S.A.	Aragón Televisión (in: 21/04/06)	NO	64.91%	NO	12.20%	NO	81.00%
RADIO TELEVISIÓN CANARIA	Tv Canaria	47.93%	46.22%	33.40%	21.80%	63.50%	57.24%
RADIO TELEVISIÓN DE ANDALUCÍA	Canal Sur	77.00%	76.00%	51.00%	52.00%	40.00%	45.00%
	Canal 2	72.70%	71.50%	51.00%	51.00%	50.00%	51.00%

	Andalucía						
TELEVISIÓ ILLES BALEARS, S.A.	Televisió Illes Balears IB3 (in:sept/05')	67.60%	52.40%	67.60%	52.40%	98.42%	95.39%
Castilla La Mancha Televisión	Castilla La Mancha TV (in:jun/02)	64.02%	62.89%	16.17%	10.62%	62.40%	68.92%
TV Autónoma de Madrid	Telemadrid	53.10%	56.10%	9.50%	10.10%	61.70%	64.50%
CONGRESO DE LOS DIPUTADOS	Canal Congreso de los Diputados	EX	EX	EX	EX	EX	EX
COMPAÑÍA INDEPENDIENTE DE NOTICIAS DE TV S.L.	CNN+	EX	EX	EX	EX	EX	EX
BARCELONA F. C.	Barça TV	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		75%	73%	88%	89%		
Average % (IND 2/4/6)		63.55%	60.52%	41.05%	39.46%	71.10%	69.53%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

Thematic channels: general information, sporting events or sports, game shows, competitions, advertising, teletext or home shopping services.

Channels that began broadcasting in Spain after 31 December 2001 are allowed a period of five years, under the first and second transitional provisions of Law 25/1994, to gradually attain the stipulated percentages of European and independent productions.

2. Minimum proportion of European works by independent producers (Article 5)

Same reasons as above.

FRANCE

Number of channels	Reference period	Monitoring methods
Total identified: 129 Covered (IND 1): 92 (2005); 100 (2006)	2005/2006	<p>Distribution:</p> <ul style="list-style-type: none"> - Terrestrial channels: monitoring of daily programmes via a CSA database. - Cable channels: broadcasters' reports analysed and monitored by CSA. <p>Production:</p> <ul style="list-style-type: none"> - Terrestrial channels: broadcasters' reports monitored by CSA. - Cable channels: broadcasters' reports monitored by CSA.

FR Broadcaster	MS Channel	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
	TF1	62.15%	60.90%	14.00%*	14.00%*	94.63%	95.50%
	M6	60.89%	64.00%	16.00%*	17.10%*	91.43%	90.95%
	Canal+	64.27%	65.00%	13.00%*	11.10%*	100.00%	100.00%
	France 2	82.27%	82.42%	16.00%*	19.10%*	100.00%	100.00%
	France 3	77.79%	80.07%	18.00%*	19.80%*	100.00%	100.00%
	France 4	NO	69.62%	NO	15.20%*	NO	100.00%
	France 5	86.60%	86.34%	13.00%*	12.10%*	100.00%	100.00%
	Direct 8	NO	96.55%	NO	EX	NO	EX
	Europe 2 TV	NO	65.41%	NO	100.00%*	NO	100.00%
	Gulli	NO	81.25%	NO	100.00%*	NO	100.00%
	NRJ 12	NO	54.38%	NO	17.90%*	NO	100.00%
	NT1	NO	63.37%	NO	12.80%*	NO	36.62%
	TMC	66.96%	70.64%	9.00%*	11.80%*	38.26%	41.94%
	W9	67.32%	68.81%	7.00%*	6.20%*	100.00%	100.00%

AB Sat SA (AB1 SAS)	AB 1 ²⁸	58%	67%	10%	8%	27%	7%
AB Sat SA	AB Moteurs	94%	81%	NC	44%	NC	62%
Alegria	Alegria	NO	NO	NO	NO	NO	NO
AB Sat SA	Animaux	76%	80%	63%	12%	54%	26%
APHM	APHM	NO	100%	NO	NC	NO	NC
Vo Productions	ARMOR TV	NO	NO	NO	NO	NO	NO
AstroCenter	AstroCenter	NO	NC	NO	NC	NO	NC
BRTV	Berbère TV	NC	100%	NC	9%	NC	35%
M6	Best of shopping	EX	EX	EX	EX	EX	EX
BEUR TV	Beur TV	NC	NC	NC	NC	NC	NC
Canal satellite	Canal Événementiel	EX	EX	EX	EX	EX	EX
Canal J	Canal J ²⁹	78%	76%	77%	76%	75%	50%
AB Sat SA	Chasse et Pêche	96%	99.6%	72%	76%	45%	21%
CLP TV	CLP TV	NO	NO	NO	NO	NO	NO
SECC	Comédie	70%	78%	35%	73%	49%	44%
TV Gourmand	Cuisine TV	89%	88%	36%	28%	86%	77%
Y Media	Demain	NC	100%	NC	0%	NC	0%
Disney Channel France SA	Disney Channel	56%	60%	46%	51%	79%	82%
Du côté de chez vous TV	Du côté de chez vous	NO	NO	NO	NO	NO	NO
AB Sat SA	Encyclopedia	77%	79%	69%	71%	46%	31%

²⁸ Digital terrestrial pay-TV channel in 2006.

²⁹ Idem.

Equidia SAS	Equidia	80%	84%	74%	82%	66%	80%
AB Sat SA	Escales	85%	80%	55%	48%	54%	34%
TPS Jeunesse	Eurèka	67%	60%	67%	60%	72%	56%
Secemie	Euronews	EX	EX	EX	EX	EX	EX
Eurosport France	Eurosport ³⁰	EX	EX	EX	EX	EX	EX
Eurosport France	Eurosport 2	EX	EX	EX	EX	EX	EX
Canal J	Filles TV	62%	68%	60%	67%	35%	4%
AB Sat SA	Fit TV	EX	EX	EX	EX	EX	EX
France 24	France 24	NO	NO	NO	NO	NO	NO
Fun TV SNC	Fun TV	83%	84%	69%	39%	96%	98%
I-Line SA	Game One	92%	92%	32%	5%	44%	100%
TF1	Histoire	92%	91%	32%	50%	44%	47%
Boutique du Monde	Home Shopping Galerie	EX	EX	EX	EX	EX	EX
TPS	Infosport	EX	EX	EX	EX	EX	EX
TF1	JET TV	EX	EX	EX	EX	EX	EX
Fox Kids France	Jetix	64%	68%	35%	33%	59%	39%
Canal Jimmy SAS	Jimmy	63%	65%	56%	64%	20%	27%
Association Notre Dame de Paris	KTO	97%	92%	47%	46%	76%	91%
lagardère	La Chaîne météo	100%	100%	100%	100%	100%	100%
TF1	LCI ³¹	EX	EX	EX	EX	EX	EX
L'Equipe TV	L'Equipe TV	EX	EX	EX	EX	EX	EX
Lohys ! TV	Lohys ! TV	NO	NO	NO	NO	NO	NO

³⁰ Idem.

³¹ Idem.

AB Sat SA	Mangas	61%	60%	29%	33%	30%	0%
Multithématiques	Ma Planète	60%	70%	58%	64%	18%	31%
B'n'B Production	MA 3	NO	NO	NO	NO	NO	NO
MCM SA	MCM	69%	56%	51%	49%	92%	96%
MCM SA	MCM POP	76%	76%	73%	75%	43%	64%
MCM SA	MCM TOP	74%	64%	72%	63%	99%	99%
Mezzo SA	Mezzo	94%	94%	85%	86%	88%	79%
Mizik Tropical	Mizik Tropical	NO	NO	NO	NO	NO	NO
AB Sat SA	Motors TV	100%	93%	64%	57%	/	82%
M6	M6 Boutique la chaîne	EX	EX	EX	EX	EX	EX
M6	M6 Music Black	55%	56%	44%	38%	92%	62%
M6	M6 Music Hits	66%	67%	56%	43%	78%	92%
M6	M6 Music Rock	72%	76%	54%	60%	88%	74%
AB Sat SA	Musique Classique	100%	100%	97%	76%	93%	2%
Sport +	NBA +	EX	EX	EX	EX	EX	EX
TF1	Odysée	91%	91%	80%	63%	86%	88%
OL Images	OL TV	EX	EX	EX	EX	EX	EX
OM-TV	OM TV	EX	EX	EX	EX	EX	EX
Onzeo	Onzeo	EX	EX	EX	EX	EX	EX
Paris Première SA	Paris Première ³²	76%	72%	74%	67%	42%	52%
PINK TV	Pink TV	65%	NC	61%	NC	54%	NC
TPS Jeunesse	Piwi	75%	72%	75%	72%	58%	47%

³²

Idem.

Canal +	Planète ³³	67%	74%	58%	67%	58%	78%
Canal +	Planète Choc	72%	60%	41%	58%	73%	40%
Canal +	Planète Thalassa	99%	93%	34%	47%	43%	31%
Disney Channel France SA	Playhouse Disney	58%	70%	53%	66%	76%	45%
Multithématiques	Seasons	99%	99%	53%	81%	91%	89%
TF1/M6	Série Club	54%	58%	18%	21%	30%	20%
Sport +	Sport +	EX	EX	EX	EX	EX	EX
Tchatte TV	Tchatte TV	46%	NC	0%	NC	0%	NC
Senior Communications	Télé Mélody	55%	83%	55%	83%	16%	0%
TPS Jeunesse	Télétoon/ Télétoon +1	68%	67%	68%	67%	72%	64%
Sedi TV SAS	Téva	59%	63%	38%	44%	58%	26%
Assemblée permanente des chambres d'agriculture	Terre d'infos TV	EX	EX	EX	EX	EX	EX
TF6	TF6 ³⁴	50%	50%	14%	9%	28%	23%
TFJ	TFJ	NC	NC	NC	NC	NC	NC
TF1	TFOU	54%	53%	54%	49%	40%	40%
Lagardère	Tiji	74%	74%	66%	67%	37%	35%
Disney Channel France SA	Toon Disney	52%	54%	52%	53%	83%	57%
AB Sat SA	Toute l'Histoire	83%	81%	78%	73%	33%	27%
TPS	TPS Foot	EX	EX	EX	EX	EX	EX

³³

Idem.

³⁴

Idem.

Trace TV	Trace TV	52%	52%	50%	47%	93%	73%
NBC Universal	13ème Rue	59%	59%	49%	57%	50%	57%
WIAM (Wireless and internet Afromedia)	3A Télésud	NC	NC	NC	NC	NC	NC
TF1	TV Breizh	55%	60%	40%	31%	21%	35%
TV5	TV5	81%	91%	30%	58%	NC	NC
123 Multimédia	123 sat	NO	NO	NO	NO	NO	NO
TF1	Ushuaïa TV	86%	83%	42%	36%	51%	46%
Fox	Voyage	75%	86%	71%	35%	83%	78%
AB Sat SA	XXL	58%	68%	NC	66%	NC	60%
Association télévision d'action pour la liberté d'expression audiovisuelle	Zaléa	NO	NO	NO	NO	NO	NO
AB Sat SA	Zik	91%	96%	91%	96%	100%	100%
Multithématiques	Ciné Cinéma Info	72%	86%	40%	17%	100%	100%
AB Sat SA	Action	62%	66%	52%	65%	2%	3%
AB Sat SA	CINE FX	69%	71%	69%	68%	2%	1%
AB Sat SA	CINE Polar	68%	72%	64%	69%	3%	1%
Multithématiques	Ciné Cinéma Auteur	52%	64%	51%	46%	33%	30%
Multithématiques	Ciné Cinéma Classic	60%	61%	41%	42%	25%	28%
Multithématiques	Ciné Cinéma Emotion	65%	55%	47%	39%	31%	46%
Multithématiques	Ciné Cinéma Famiz	50%	55%	36%	39%	9%	28%
Multithématiques	Ciné Cinéma Frisson	57%	57%	38%	42%	45%	43%

Multithématiques	Ciné Cinéma Premier	53%	52%	39%	36%	50%	52%
TPS	TPS Star ³⁵	63%	57%	NC	NC	60%	65%
TPS	TPS Cinéstar	62%	56%	NC	NC	68%	61%
TPS	TPS Homecinema	64%	56%	NC	NC	63%	61%
TPS	TPS Cinéculte	71%	70%	NC	NC	67%	65%
TPS	TPS Cinextreme	53%	66%	NC	NC	17%	34%
TPS	TPS Cinéfamily	71%	69%	NC	NC	54%	55%
TPS	TPS Cinetoile	69%	70%	NC	NC	42%	39%
TPS	TPS Cinecomedy	72%	77%	NC	NC	62%	59%
TPS	TPS Cineclub	71%	73%	NC	NC	54%	43%
Groupe Canal	Kiosque/Cine+	62%	66%	NC	NC	100%	100%
TPS	Multivision	66%	69%	NC	NC	90%	87%
Compliance rate (IND 3/5)		93%	94%	77%	76%		
Average % (IND 2/4/6)		70.81%	73.30%	53.64%	52.38%	59.34%	56.80%

* The percentage of independent productions is calculated on the basis of channel revenues (previous year's turnover), in accordance with French legislation, and not on the basis of programming budgets — which is the case, however, for the remaining cable and satellite channels. The data for the former channels are not comparable with the data for the latter and thus have not been counted in the average.

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

'Tchatte TV' failed to achieve a majority proportion of European works. This channel, dedicated to clips and short programmes produced in-house, stopped broadcasting on 31 May 2007.

³⁵ Idem.

2. Minimum proportion of European works by independent producers (Article 5)

In several cases, the proportions of European works created by independent producers fell short of the 10% minimum stipulated in the Directive.

It should be noted that for digital terrestrial channels (unlike with cable and satellite channels, for which data are calculated on the basis of their programming budget in conformity with the Directive), the percentages given were calculated, in accordance with the French rules, on the basis of their previous year's turnover (a much larger base than that specified by the Directive). For this reason, the percentages are automatically lower than if they were calculated on the basis of programming budget. Thus, falling short of the 10% minimum does not imply non-compliance with the Directive in these cases.

W9 and TMC (for 2005): these channels fall under the category just described. Furthermore, as a new music channel on the digital terrestrial platform, W9 has a 5-year phasing-in period before it is required to comply with the national regulatory obligations.

AB1: the change in economic model brought about by the transition from cable-satellite broadcasting to digital terrestrial broadcasting in 2006 and the additional costs resulting from this have meant that the channel gives priority to programmes from its distribution subsidiary.

TF6: change in economic model (from cable-satellite to digital terrestrial in 2006).

Berbère TV: community channel whose programming consists of in-house productions.

Demain: public service channel consisting of news and magazine programmes produced in-house.

Game One: channel dedicated to video games and new technologies, consisting of magazine programmes produced in-house.

Tchatche TV (see section 1): no longer broadcasting.

B) Measures taken or envisaged by the Member State

Several channels have not communicated their figures to the Council (CSA).

- Astro Center: channel dedicated to fortune telling, does not broadcast audiovisual works.

- TFJ: community channel, stopped broadcasting in November 2006.

The CSA has sent warning letters to two services, Beur TV and 3A Télésud, for non-communication of their figures.

IRELAND

Number of channels	Reference period	Monitoring method
Total identified: 14 Covered (IND 1): 4 (2005); 5 (2006)	2005/2006	Quantitative analysis of schedule period conducted by regulator (Broadcasting Commission of Ireland)

IE	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
RTÉ	RTÉ One	60%	59%	23%	23%	23%	23%
RTÉ	RTÉ Two	40%	43%	18%	17%	18%	17%
Teilifís na Gaeilge	TG4	61%	63%	52%	55%	55%	57%
TV3		48%	47%	13%	14%	18%	16%
Channel 6		NO	64%	NO	63%	NO	11%
NASN		EX	EX	EX	EX	EX	EX
N ASN 2		EX	EX	EX	EX	EX	EX
Setanta PPV 1		EX	EX	EX	EX	EX	EX
Setanta PPV 2		EX	EX	EX	EX	EX	EX
Setanta Sports		EX	EX	EX	EX	EX	EX
Setanta North America		EX	EX	EX	EX	EX	EX
City Channel 1		EX	EX	EX	EX	EX	EX
City Channel 2		EX	EX	EX	EX	EX	EX
City Channel 3		EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		50%	60%	100%	100%		
Average % (IND 2/4/6)		52.25%	55.20%	26.50%	34.40%	28.50%	24.80%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

TV3:

For the reasons outlined below, it was not practical for TV3 to meet the European works quota when news and sports programming is excluded from the total qualifying time in 2005 and 2006.

(i) the size and nature of the Irish terrestrial television sector; and

(ii) the importance of indigenous news and sports programming for Irish audiences.

The situation is reviewed on an annual basis with the broadcaster. The broadcaster has made progress in increasing its percentage from 45% (2003) to 48%. The broadcaster is just below the 50% requirement and compliance with the requirement remains the objective.

2. Minimum proportion of European works by independent producers (Article 5)

Not applicable.

B) Measures taken or envisaged by the Member State

The regulator is engaged in ongoing discussions with the broadcaster TV3 on compliance with the European works requirements. Compliance is reviewed and reported on by the broadcaster on an annual basis.

C) Further comments

Nine of the channels identified are specialist services and are exceptionally exempted from the requirements of Articles 4 and 5.

- Six of the channels, NASN 1 and 2 (North American Sports Network), Setanta North America, Setanta Pay Per View 1 and 2, are exclusively sports services.
- Three of the channels, City Channel 1-3, are targeted at local audiences in the Dublin, Waterford and Galway areas and do not form part of a national network.

ITALY

Number of channels	Reference period	Monitoring method
Total identified: 141 Covered (IND1): 109 (2005); 133 (2006)	2005/2006	Self-reporting by broadcasters and content providers

It	Ms	EW (%TQT)		IP (%TQT)		RW (%EW) ³⁶	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
Rai Spa	Rai 1	76.40	79.20	25.70	26.02	68.90	71.48
Rai Spa	Rai 2	65.10	58.01	26.20	14.60	67.80	79.79
Rai Spa	Rai 3	65.10	65.37	26.10	23.79	68.00	69.84
Raisat	Gambero Rosso	93.10	91.14	0.00	0.00	91.10	96.44
Raisat	Raisat Ragazzi	77.50	95.38	0.00	0.00	76.90	69.69
Raisat	Raisat Smash	NO	85.97	NO	0.00	NO	88.77
Raisat	Raisat Yoyo	NO	80.51	NO	0.00	NO	71.95
Raisat	Raisat Cinema	68.60	61.76	0.00	0.00	42.40	35.53
Raisat	Raisat Premium	92.50	91.51	0.00	0.00	56.50	53.37
Raisat	Raisat Extra	80.20	81.32	0.00	0.00	96.00	99.86
R.T.I. Spa	Canale 5	71.10	71.53	12.30	12.37	91.40	90.81
R.T.I. Spa	Italia 1	37.70	37.52	10.30	12.03	71.10	72.52
R.T.I. Spa	Media Shopping	EX	EX	EX	EX	EX	EX
R.T.I. Spa	Retequattro	57.40	61.55	14.80	20.42	65.50	58.07
R.T.I. Spa	Duel	29.70	NC	12.60	NC	47.50	NC
R.T.I. Spa	Happy Channel	87.90	NC	48.60	NC	42.10	NC
R.T.I. Spa	It Italian Teen Tv	53.80	NC	28.70	NC	84.90	NC

³⁶ The ratio of recent works is calculated as a percentage of all European works (%EW) and not as a percentage of independent works (%IP).

R.T.I. Spa	Mt Channel	86.60	NC	74.00	NC	91.60	NC
Sky Italia Srl	Sky Cinema Hd	NO	16.62	NO	0.57	NO	70.23
Sky Italia Srl	Sky Cinema Mobile	NO	65.41	NO	42.41	NO	51.79
Sky Italia Srl	Sky Cine Shots	NO	100.00	NO	0.00	NO	100.00
Sky Italia Srl	Sky Sport Hd	NO	99.62	NO	0.00	NO	100.00
Sky Italia Srl	Sky Sport Mobile	NO	90.47	NO	0.00	NO	100.00
Sky Italia Srl	Sky Vivo Mobile	NO	57.05	NO	0.00	NO	93.96
Sky Italia Srl	Sky Show	NO	90.85	NO	0.00	NO	99.06
Sky Italia Srl	Sky Show Mobile	NO	100.00	NO	0.00	NO	100.00
Sky Italia Srl	Sky Sport 24	NO	0.00	NO	0.00	NO	0.00
Sky Italia Srl	Calcio Sky	99.90	99.86	0.00	0.00	0.00	100.00
Sky Italia Srl	Diretta Gol	99.80	99.75	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky + Sky 112	92.40	NO	0.50	NO	98.30	NO
Sky Italia Srl	Sky 109 + Sky Vivo	62.10	65.11	0.80	0.00	97.80	99.78
Sky Italia Srl	Sky Assist	100.00	100.00	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky Cinema 1	43.80	41.33	6.40	10.32	98.80	97.32
Sky Italia Srl	Sky Cinema 16:9	44.40	40.58	8.30	9.39	94.20	85.37
Sky Italia Srl	Sky Cinema 2	43.90	41.30	6.40	10.42	98.80	97.40
Sky Italia Srl	Sky Cinema 3	42.40	37.92	7.50	7.33	90.30	86.61
Sky Italia Srl	Sky Cinema Autore	55.50	59.79	15.90	24.08	83.90	77.29
Sky Italia Srl	Sky Cinema Classics	68.30	60.95	22.50	26.34	18.30	22.85
Sky Italia Srl	Sky Cinema Max	34.80	34.16	6.10	3.81	75.10	75.62
Sky Italia Srl	Sky Meteo 24	99.90	99.96	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky On Air	100.00	100.00	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky Primafila	100.00	100.00	0.00	0.00	100.00	100.00

Sky Italia Srl	Sky Sport	97.10	99.12	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky Sport 1	97.60	99.86	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky Sport 2	75.70	77.31	0.00	0.00	100.00	99.27
Sky Italia Srl	Sky Sport 3	93.90	97.52	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky Sport Extra	90.00	93.52	0.00	0.00	100.00	100.00
Sky Italia Srl	Sky Tg 24	99.80	99.81	0.00	0.45	100.00	100.00
Telecom Italia Media Spa	La7	55.00	56.96	16.50	19.91	80.00	79.50
Telecom Italia Media Spa	La7 Sport	91.00	99.52	5.00	15.89	100.00	100.00
Mtv Italia S.R.L.	Mtv Brand:New	79.00	83.36	24.80	20.94	98.50	98.66
Mtv Italia S.R.L.	Mtv Hits	83.30	87.83	19.90	19.61	99.00	99.50
Mtv Italia S.R.L.	Mtv Italia	73.30	70.45	20.20	19.93	99.00	99.12
Telecom Italia Media Broadcasting Srl	Qoob	NO	57.26	NO	53.24	NO	97.39
Canali Digitali	Planet	66.90	74.18	11.50	0.00	77.10	87.10
Sailing Channel Spa	Sailing Channel	96.10	85.26	13.90	0.00	94.60	95.30
Sailing Channel Spa	Sailing Channel (2 nd Version)	NO	100.00	NO	0.00	NO	100.00
Seasons Srl	Caccia E Pesca	85.00	85.78	14.60	0.00	81.30	85.46
Seasons Srl	Jimmy	34.00	43.79	13.70	0.00	73.70	73.45
Elemedia S.P.A.	Deejay Tv	53.10	66.08	38.60	29.23	99.90	99.52
Elemedia S.P.A.	Music On Sky	NO	59.99	NO	15.01	NO	50.02
Rete A Spa	Rete A	85.00	83.47	63.70	41.46	60.00	100.00
Eurocast Italia	Polonia 1	100.00	88.02	0.00	0.00	43.82	52.67
Eurocast Italia	Tele 5	100.00	298.00	0.00	0.00	40.00	398.00
Eurocast Italia	Top Shop	EX	EX	EX	EX	EX	EX
Fox International Channels Italy Srl	A1	51.90	54.82	25.00	31.00	98.80	91.25

Fox International Channels Italy Srl	Cult	87.40	63.95	50.00	49.00	60.60	62.79
Fox International Channels Italy Srl	Fox	21.70	22.65	7.00	6.00	75.30	68.86
Fox International Channels Italy Srl	Foxcrime	31.50	30.49	6.00	4.00	86.90	78.60
Fox International Channels Italy Srl	Foxlife	42.80	37.51	18.00	14.00	91.80	86.94
Fox International Channels Italy Srl	FOXLIFE (2 nd Version)	38.50	64.96	8.00	18.00	95.30	90.94
Fox International Channels Italy Srl	Fx	NO	48.51	NO	6.00	NO	70.08
Fox International Channels Italy Srl	National Geographic Channel	54.60	58.32	24.00	32.00	96.90	84.43
Fox International Channels Italy Srl	National Geographic Channel (4 th Version)	NO	57.26	NO	42.00	NO	88.96
Fox International Channels Italy Srl	National Geographic Channel (2 nd Version)	41.80	48.86	32.00	38.00	96.40	84.31
Fox International Channels Italy Srl	National Geographic Channel (3 rd Version)	50.50	44.88	43.00	35.00	91.80	88.10
Fox International Channels Italy Srl	National Geographic Channel +1	54.60	58.27	23.00	32.00	96.90	84.44
Fox International Channels Italy Srl	National Geographic Channel Hd	NO	51.24	NO	34.00	NO	89.15
Fox International Channels Italy Srl	National Geographic Channel HD (2 nd Version)	NO	51.82	NO	41.00	NO	100.00
Fox International Channels Italy Srl	Next HD	NO	29.69	NO	13.00	NO	92.90

Fox International Channels Italy Srl	The History Channel	53.90	58.45	27.00	39.00	83.30	75.70
Fox International Channels Italy Srl	The History Channel +1	53.90	58.47	23.00	39.00	83.40	75.67
Alice Spa	Alice	100.00	100.00	9.50	10.29	100.00	100.00
Leonardo Spa	Leonardo	100.00	100.00	15.00	12.99	100.00	100.00
Marcopolo S.p.a.	Marcopolo	100.00	76.12	12.00	15.04	97.40	100.00
Sitcom Srl	Sitcom Uno	NO	52.58	NO	12.32	NO	100.00
Nuvolari Srl	Nuvolari	100.00	98.61	11.00	10.87	100.00	100.00
Nuova Franciacorta	Rtb International	79.00	44.84	23.90	11.85	69.80	55.40
Nuova Franciacorta	Retebrescia	69.20	43.94	21.90	10.08	68.40	51.97
Rete 7 Spa	E'tv Marche	NC	0.00	NC	0.00	NC	0.00
Rete 7 Spa	E'tv Rete 7	0.00	0.00	0.00	0.00	0.00	0.00
Radio Italia Spa	Playlist Italia	100.00	NC	0.00	NC	0.00	NC
Radio Italia Spa	Radio Italia Tv	100.00	0.00	0.00	0.00	0.00	0.00
Radio Italia Spa	Video Italia	100.00	100.00	0.00	0.00	0.00	0.00
Editoriale Tv Srl	La 8	90.00	NC	45.00	NC	94.70	NC
Editoriale Tv Srl	Magic	60.00	NC	21.00	NC	100.00	NC
Editoriale Tv Srl	Sat 8	90.00	NC	45.00	NC	4.90	NC
Telestudio Modena Srl	Studio Europa	100.00	100.00	0.00	0.00	100.00	0.00
Telestudio Modena Srl	Telestudio Modena	100.00	100.00	0.00	0.00	100.00	0.00
Piu' Uno International Spa	Auto Club Channel	NO	100.00	NO	30.92	NO	0.00
Piu' Uno International Spa	Expo Club Channal	NO	100.00	NO	31.00	NO	0.00
24 Ore Television S.p.a.	Ventiquattrore.Tv	50.50	NC	100.00	NC	100.00	NC
Agenzia Siciliana Informazione	Sicilia Channel	0.00	0.00	0.00	0.00	0.00	0.00
Canale 9 Di Teleoggi	Canale 9	NO	NO	NO	NO	NO	NO

Class Cnbc Spa	Class Cnbc	100.00	100.00	0.00	0.00	100.00	100.00
Costanza Magna Srl	Gbr	31.00	25.05	14.00	8.07	0.00	0.00
Delta Tv Spa	Delta Tv	0.00	0.00	0.00	0.00	0.00	0.00
Edizioni Tagliamonte	Napoli Nova	EX	EX	EX	EX	EX	EX
Eurotelevision S.P.A.	Telegenova	NC	0.00	NC	0.00	NC	0.00
Il Denaro Tv Srl	Denaro Tv	100.00	100.00	49.00	44.21	100.00	98.77
Incremento Finanziario Srl	Incremento Finanziario	NO	0.00	NO	0.00	NO	0.00
Informazione Libera	Libera	30.50	31.06	30.50	31.06	100.00	100.00
Italiani Nel Mondo Radio e Tv S.r.l.	Italiani Nel Mondo Channel	100.00	45.01	14.00	14.99	39.50	87.84
Jet S.r.l.	Studio 100 Tv	0.00	0.00	0.00	0.00	0.00	0.00
La 9 S.p.a.	La 9	0.00	51.11	0.00	11.11	0.00	51.30
L'antenna Srl	L'antenna Srl-Oasi Tv	0.00	0.00	0.00	0.00	0.00	0.00
Match Music Srl	Match Music	0.00	0.00	30.00	0.00	0.00	0.00
Mediolanum Comunicazione S.P.A.	Mediolanum Channel	100.00	110.52	0.00	5.71	100.00	100.00
NBC Universal Global Networks Italia S.r.l.	Studio Universal	21.70	20.94	11.00	12.00	44.80	47.23
Nessunotv S.P.A.	La Tv di Nessuno	52.00	62.52	52.00	50.96	100.00	81.51
Oranet	Roma Sat	NO	0.00	NO	0.00	NO	0.00
Milan Channel S.R.L.	Milan Channel	50.00	100.00	0.00	9.60	100.00	95.00
Relive	Key Tv	0.00	NC	0.00	NC	0.00	NC
Rete Blu	Sat 2000	54.00	60.07	31.70	34.01	54.00	55.32
Rete Oro Srl	Rete Oro	3.00	8.00	0.00	1.00	0.00	8.00
Rock Tv Srl	Rock Tv	0.00	0.00	0.00	0.00	0.00	0.00
RTL 102 500 Hit Radio S.r.l.	102.5 Hit Channel	63.00	62.98	63.00	62.98	0.00	0.00
Sardegna Tv Srl	Sardegna Uno Tv	57.00	55.00	0.00	0.00	0.00	0.00

Sardinia Channel Spa	Sardinia Channel	0.00	0.00	0.00	0.00	0.00	0.00
So.Pro.Di.Mec. Spa	Telelibera 63	0.00	0.00	0.00	2.00	0.00	0.00
Starline S.P.A.	Starsat	EX	EX	EX	EX	EX	EX
Tele A Di Abbaneo Alfredo Spa	Telesud	NO	0.00	NO	0.00	NO	0.00
Telegestioni Wwc Srl	Tv7 Lombardia	EX	EX	EX	EX	EX	EX
Telelombardia Spa	Telelombardia Sat	0.00	0.00	0.00	0.00	0.00	0.00
Teleradiodiffusione Bergamasche Srl	Bergamo Tv	0.00	0.00	0.00	0.00	0.00	0.00
Television Broadcasting System	Retecapri	NC	7.42	NC	2.43	NC	100.00
Trinity Broadcasting Network Of Europe Srl	Tbne	39.50	50.55	0.00	0.00	100.00	78.05
Video Mediterraneo Srl	Mediterraneo Sat	100.00	100.00	9.00	10.64	76.00	74.36
Videofirenze	Videofirenze	0.00	0.00	10.00	10.00	0.00	0.00
Videomedia Spa	Tva Vicenza	0.00	77.00	0.00	10.21	0.00	0.34
Fastweb	Fastweb Channels	EX	EX	EX	EX	EX	EX
Compliance Rate (IND 3/5)		68%	61%	47%	41%		
Average % (IND 2/4/6)		61.41	60.91	14.16	11.54	65.76	67.71

A) Reasons given by the Member State for failure to achieve the proportions

In 2005 and 2006, some Italian broadcasters/content providers failed to meet the scheduling percentages required by the Directive.

The broadcasting market in Italy is changing rapidly: new content distribution technologies are emerging and the number of channels is increasing (this report includes for the first time 4 channels operating only using digital terrestrial frequencies and 4 channels operating on DVB-H frequencies), but many small traditional broadcasters are struggling to remain in business. Many of them are often obliged to reduce personnel and, at times, even to stop broadcasting.

During the period covered by this report, AGCOM received quite a number of self-reports where all reported figures for European works (EW), works of independent producers (IP) and recent works (RW) were '0'. Furthermore, the number of channels for which no data at

all were communicated rose from 3 in 2005 to 15 in 2006. Since the beginning of 2007 AGCOM has started investigating the causes and adopting measures to prompt broadcasters/content providers to provide the data correctly. It is interesting to note that those channels with higher audiences normally comply with the Directive's obligations while those breaching the provisions are usually minor satellite channels. For those channels, most infringements appear to relate to independent works.

The main reasons for this situation are:

- (1) The lack of information on the regulatory framework imposing the obligation to promote European works and works produced by independent operators, and
- (2) the problems in the implementation of the reporting procedure used by AGCOM, called the 'Informativa Economica di Sistema' (IES): to monitor their compliance with the obligations regarding European works, Italian channels are obliged to provide their data on the programme schedule and the required proportions using the tools and procedures of the 'auto-certificazione' (self-certification) system implemented by the Italian government. In order to simplify the self-certification procedure, from 2001 AGCOM has provided some specific forms as part of the IES, which broadcasters and content providers are obliged to fill in and submit every year by the end of July.³⁷

Obviously, as these data are gathered from self-reports, AGCOM verifies their reliability by checking samples. As from 2003, all operators are obliged to send their IES reports via a web-based platform and a server, which requires an internet connection. Since this new communication channel between AGCOM and the operators relies on a web connection, some broadcasters and content providers are still experiencing problems in sending the required data. As it seems that the data regarding some broadcasters and a few content providers are missing, AGCOM is evaluating whether this is due to connection problems with the server or to the broadcaster's negligence. In the case of the latter, the broadcaster/content provider will be sanctioned.

B) Measures taken or envisaged by the Member State

All missing or incomplete data from the broadcasters/content providers and all failures to comply with Articles 4 and 5 of the Directive in 2003-2004 have been investigated and sanctioned where necessary.

During the period covered by this report, the reason why the satellite broadcasters/content providers were reporting '0' hours dedicated to works by independent producers was the lack of information regarding the new Broadcasting Act that entered into force at the beginning of 2005. AGCOM sent a letter to each broadcaster/content provider that had reported '0'. Some broadcasters reacted and provided the correct figures promptly. Others (the majority) did not. The table sent to the Commission was drafted in September 2007, after receiving the new figures from broadcasters/content providers.

In October 2007, therefore, after receiving the updated information for the year 2006, AGCOM started infringement proceedings against those channels and broadcasters/content providers who appeared to have breached their programming and/or investment obligations.

³⁷ Under Article 1(28) of Law No 650 of 23 December 1996 and Article 1(3) of AGCOM Decision No 129/02/CONS.

The following tables summarise the figures on infringements of programming and investment obligations³⁸:

Type of infringement	EW	RW	IP	Total number of infringements
Year 2005, daily programming schedule	20	23	55	98
Year 2005, <i>peak time</i>	26	19	53	98
Total 2005	46	42	108	196
Year 2006, daily programming schedule	24	26	76	126
Year 2006, <i>peak time</i>	26	26	69	121
Total 2006	50	52	145	247
Total	96	94	253	443

Year	Investment in EW	Investment in European films	Total infringements
2005	13	20	33
2006	20	26	46
Total	33	46	79

Around 86 infringement proceedings were opened by AGCOM, each concerning on average 2-4 infringements of the obligation to promote European/independent works.

After receiving a formal letter from AGCOM, nearly 90% of the broadcasters/content providers (who had not reacted previously) stated that they simply ignored the rules on the promotion of European and independent works and that, although several hours of their transmission time were devoted to such works, they had reported '0' simply because they thought the forms and the rules did not apply to them. AGCOM promptly started its investigations, which in many cases are still pending, but the first impression is that the broadcasters/content providers have complied with the obligation to promote European/independent works even though they had reported '0'. Only a few appear to have actually failed to meet their obligations, and they have been (or will be shortly) sanctioned accordingly.

- At the moment, AGCOM has already sanctioned 9 channels and is completing infringement proceedings against almost 30 channels that seem to have breached their obligation to promote European/independent works.

Of course, the infringement proceedings do not apply to:

³⁸ In Italy the regulatory framework on the promotion of European works and works from independent producers is much stricter than in other countries and includes a vast number of rules. See section C for additional details.

- those broadcasters/content providers which did not broadcast at all during the whole year (indicated as ‘NO’: Non-operational);
- those broadcasters/content providers which broadcast only works not covered by the obligations (news, sports events, games, advertising, teletext services or teleshopping);
- those broadcasters/content providers which, while not complying with the obligation to reserve 50% of their scheduling time for European works, have nonetheless broadcast a percentage of European works higher than 43%;³⁹
- those channels which have failed to meet the minimum requirements but are part of a group of channels controlled by a single company/person. In this case, Italian legislation obliges AGCOM to consider only the full broadcasting schedule of all the channels belonging to the same group (provided that each channel reserves for European works a minimum quota of 20% of its transmission time), and not that of a single channel.⁴⁰

- *C) Further comments*

Since the last report on the compliance by broadcasters with the obligations under Articles 4 and 5 of the Directive, the rules governing broadcasters’ obligations in Italy have changed radically. Article 2 of the Law No 122 of 30 April 1998 has been repealed by Legislative Decree No 177 of 31 July 2005 (the ‘2005 Broadcasting Code’), which gathers together all the existing provisions in the broadcasting sector.

The following paragraphs summarise the main obligations for broadcasters and content providers under Articles 6 and 44 of the 2005 Broadcasting Code:

- scheduling obligations — all national broadcasters and content providers⁴¹ must — where practicable — reserve more than 50% of their monthly transmission time for European works, excluding time devoted to news, sports events, games, advertising, teletext services, talk shows and teleshopping. The same provisions apply to peak viewing times;
- at least 50% of this percentage must be made up of recent works (produced in the past five years);
- national broadcasters and content providers must — where practicable — reserve at least 10% of broadcasting time for European works produced by independent producers, not counting time devoted to news, sports events, games, advertising, teletext services, talk shows and teleshopping. The public service broadcaster must meet a quota of at least 20% for independent producers;
- investment obligations — all broadcasters under Italian jurisdiction must reserve at least 10% of their net annual revenue from advertising for the production and purchase of audiovisual programmes produced in Europe, including films, works by independent producers and programmes for children. At least 40% of this quota must be invested in the production and purchase of European films.

³⁹ In accordance with Article 2(3) of the Italian Quotas Regulation mentioned in section C, in the event of a shortfall of up to 7% as regards the obligation to reserve 50% of scheduling time for European works broadcasters are only obliged to provide reasons for their failure to meet the obligation. These reasons cannot be investigated by AGCOM, and it cannot apply any sanction.

⁴⁰ In accordance with Article 2(4) of the Quotas Regulation, a channel reserving percentages smaller than the required proportions for European works, works by independent producers or recent works may not be sanctioned if it belongs to a group of channels controlled by a single company or person, provided that the entire broadcasting schedule (subject to a minimum quota of 20% for each channel) for all the channels of this group meets the requirements.

⁴¹ The extension of this obligation to content providers is one of the main innovations of the Broadcasting Code.

In addition to the Broadcasting Code, the regulation on the promotion of the distribution and production of European works (the 'Quotas Regulation') adopted by AGCOM with its Decision No 9/99 of 16 March 1999 is still in force. Its most important provisions are as follows:

- Article 2(3) introduces the obligation to provide specific reasons for any shortfalls in the minimum proportions set for European works. The AGCOM may not investigate such reasons if the shortfalls do not exceed 7% of these proportions;
- Article 2(4): when several channels belong to or are controlled by a single company or person, the minimum proportions reserved for European works are determined on the basis of the channels' overall programme schedule (with a minimum 20% for each channel) and on the basis of the total net revenues from yearly advertising earned by all the channels of the group.

The issue concerning the limited application of the rules concerning works by independent producers to only analogue terrestrial broadcasters was thus apparently resolved in 2005 by the Broadcasting Code, which extended the obligation regarding independent works to all content providers.

Most recently, Law 244/2007 and Law 31/2008 amended the Broadcasting Code to change yet again the provisions regarding the promotion of European and independent works. The new obligations are summarised below:

- all national broadcasters and content providers must reserve more than 50% of their transmission time for European works, excluding time devoted to news, sports events, games, advertising, teletext services, talk shows and teleshopping. The same provisions apply to peak viewing times;
- at least 10% of the transmission times of each broadcaster and content provider must be reserved for recent European works (produced in the past five years), and 20% of this percentage should be reserved for cinema films made in the Italian language. The public service broadcaster must reserve 20% of its transmission time for recent European works;
- each broadcaster/content provider must reserve at least 10% (15% for the public service broadcaster) of its revenues for European works created by producers who are independent of broadcasters. Within this quota, the free-to-air channels must devote a share of 30% to cinema films made in Italian, while the pay-tv channels must reserve a share of 35% to works made in Italian;
- the provisions of the AGCOM Quotas Regulation remain valid.

The new framework therefore replaces the obligation to reserve at least 10% of broadcasting time for European works produced by independent producers with the obligation to invest at least 10% of revenues in such works, in line with Article 5 of the Directive. Starting from 2008, therefore, AGCOM will fill in columns 2 and 3 of the table published above only for statistical purposes.

Finally, it must be noted that the new framework does not explicitly mention recent works created by producers who are independent of broadcasters: as already stated in the previous reports to the Commission, the obligation to reserve part of transmission time for recent works is applied in Italy to all European works and not to works by independent producers. In order to make the Italian framework fully compatible with Article 5 of the Directive, AGCOM intends to adopt a regulation imposing an obligation to reserve an adequate proportion of investment in independent works for recent works.

LATVIA

Number of channels	Reference period	Monitoring method
Total identified: 6 Covered (IND 1): 5	2005/2006	Self-reporting

LV	MS	EW (% of TQT)		IP (%TQT)		RW (%IP)	
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Latvijas TV	LTV1	90.26%	94.00%	20.40%	20.50%	95.00%	95.00%
Latvijas TV	LTV7	62.24%	56.17%	15.82%	16.69%	98.00%	98.00%
TV Riga	TV5	56.50%	55.70%	52.00%	51.20%	78.00%	67.40%
TV3 Latvia	TV3	58.60%	58.60%	23.20%	23.20%	100.00%	100.00%
LNT	LNT	55.00%	48.00%	55.00%	48.00%	55.00%	48.00%
Pirmais Baltijas Kanals	Pirmais Baltijas Kanals	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		100%	80%	100%	100%		
Average (IND 2/4/6)		64.52%	62.49%	33.28%	31.92%	85.20%	81.68%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

The private broadcaster LNT stated: “We were forced to remove several European programmes from the schedule because of their low ratings. Moreover, the US offers a much broader range of programmes than Europe.”

B) Measures taken or envisaged by the Member State

LNT stated that it is investing more in its own productions.

C) Further comments

The private TV broadcaster Pirmais Baltijas Kanals broadcasts solely in Russian. It is also licensed by the UK's Ofcom under the name "First Baltic Channel".

On 8 May 2007, News Corp Europe took over the commercial TV station LNT and bought 70% of the shares of the private broadcaster TV Riga (channel TV5). There is a risk that these channels may broadcast (even) more non-European content in the future.

LITHUANIA

Number of channels	Reference period	Monitoring method
Total identified: 4 Covered (IND 1): 4	2005/2006	- Collection of data from broadcasters - Cross-checking by the Radio and Television Commission of Lithuania

LT	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		Channel	2005	2006	2005	2006	2005
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Lietuvos radijas ir televizija	LTV	71.2%	58.9%	43.7%	26.6%	90%	91%
Laisvas ir nepriklausomas kanalas	LNK	41%	42%	9%	7%	91%	94%
TELE-3	TV3	48.7%	36%	19%	21%	90%	93%
Baltijos TV	BTV	53%	51%	31%	38%	89%	92%
Compliance rate (IND 3/5)		50%	50%	75%	75%		
Average % (IND 2/4/6)		53.48%	46.98%	25.68%	23.15%	90.00%	92.50%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

Two national TV broadcasters (LNK and TELE-3) were not able to achieve the target in the period 2005/2006 because of agreements they signed for purchasing non-European audiovisual works.

2. Minimum proportion of European works by independent producers (Article 5)

One national channel (LNK) failed to achieve the target in the period 2005/2006. It stated that the purchasing prices of independent productions were too high for it.

B) Measures adopted or envisaged by the Member State

The Radio and Television Commission, which regulates and continuously monitors the activities of broadcasters in Lithuania, holds talks with broadcasters who fail to comply with the rules on European works and tries to identify the reasons for this. The broadcasters are doing their best gradually to increase the proportion of European works in their transmission time. Unfortunately, economic circumstances occasionally prevent them from achieving this.

LUXEMBOURG

Number of channels	Reference period	Monitoring method
Total identified:14 Covered (IND 1): 13 (2005); 14 (2006)	2005/2006	Actually recorded: Luxe TV, DOK, NordlichtTV, Liberty TV, RTL 9 (2x) Sampled: RTL TVi, Club RTL, PLUG TV, RTL 4, RTL 5, RTL 7 Estimated: RTL TéléLetzebuerg

LU	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Liberty TV.com	Liberty TV	73.00%	82.00%	28.00%	16.00%	100.00%	76.00%
DVL TV S.A.	Luxe TV	NO	70.54%	NO	55.81%	NO	100.00%
Nordlicht TV S.A.	Nordlicht TV	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%
DOK S.A.	DOK	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
CLT-UFA	RTL Télé Letzebuerg	87.00%	92.00%	13.00%	13.00%	95.00%	97.00%
CLT-UFA	RTL TVi	55.00%	54.61%	22.34%	23.50%	12.77%	11.72%
CLT-UFA	Club RTL	38.93%	42.15%	32.42%	29.46%	24.15%	16.36%
CLT-UFA	PLUG TV	56.45%	73.03%	43.65%	37.83%	38.03%	34.85%
CLT-UFA	RTL 4	59.00%	55.00%	100.00%	97.00%	91.00%	91.00%
CLT-UFA	RTL 5	51.00%	52.00%	92.00%	100.00%	82.00%	83.00%
CLT-UFA	RTL 7	54.00%	57.00%	94.00%	98.00%	88.00%	90.00%
CLT-UFA	RTL 9	54.10%	45.70%	85.80%	73.60%	13.50%	19.30%
CLT-UFA	RTL 9	57.30%	47.70%	80.40%	66.40%	23.40%	32.90%
Everyday Media S.A.	T.TV	NC	NC	NC	NC	NC	NC
Compliance rate (IND 3/5)		85%	71%	85%	86%		
Average % (IND 2/4/6)		65.48%	67.06%	57.63%	54.66%	55.65%	57.86%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

The channel Club RTL failed to achieve the minimum required. This is because its programme schedule largely consists of sports broadcasts, which are excluded from consideration, and of cartoons, which are mainly non-European. However, there has been a significant and steady increase in European works in the schedules since 2004, in line with the objective of broadcasting more European works.

No figures are available for 2005 for DVL TV S.A. as the company only began broadcasting in June 2006.

2. Minimum proportion of European works by independent producers (Article 5)

Nordlicht TV is a low-budget channel in Luxembourgish. Nordlicht produces all its programmes itself.

B) Measures taken or envisaged by the Member State

CLT-UFA has been formally instructed to take the steps needed to ensure compliance with its obligations in the future.

C) Further comments

Everyday Media S.A. ceased all activity in March 2007 and is no longer able to provide the authorities with the figures required.

HUNGARY

Number of channels	Reference period	Monitoring method
Total identified: 22 Covered (IND 1): 22	2005/2006	Self-reporting; monthly aggregation of data submitted on a weekly basis

HU	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
Magyar Televízió Rt.	MTV1	88.83%	91.80%	41.76%	56.10%	60.43%	67.20%
Magyar Televízió Rt.	M2	95.32%	95.30%	36.52%	45.00%	66.74%	69.60%
Duna Televízió Rt.	DUNA TV	90.96%	90.60%	90.96%	100.00%	74.46%	74.50%
Viasat Hungária Műsorszolgáltató Rt.	Viasat3	8.37%	12.40%	5.41%	12.30%	51.56%	40.60%
Magyar RTL Televízió Rt.	RTL KLUB	54.97%	53.10%	35.26%	32.50%	91.35%	96.00%
MTM-SBS Televízió Rt.	TV2	50.76%	51.20%	45.35%	93.40%	66.57%	59.10%
HBO Rt.	HBO	20.58%	20.60%	17.49%	51.60%	96.54%	96.60%
HBO Rt.	HBO2	NC	17.70%	NC	49.40%	NC	96.70%
Mixolid Szolgáltató Rt.	Fix Televízió	64.31%	100.00%	NC	NC	NC	NC
AGRO-TV-ATV Rt.	MATV	99.95%	81.30%	26.09%	59.50%	89.12%	76.40%
Budapest TV Rt.	BPTV	10.63%	99.70%	2.42%	37.60%	53.55%	37.20%
Spektrum TV Rt.	Spektrum	71.69%	69.80%	68.11%	96.90%	70.10%	77.90%
Z+ Műsorszolgáltató Rt.	VIVA TV	63.87%	73.70%	62.46%	99.10%	97.53%	98.90%
Filmmúzeum Rt.	Film- múzeum	90.14%	87.60%	61.29%	72.90%	18.62%	21.40%
PAX TV Rt.	PAX Televízió	99.47%	99.80%	71.78%	68.50%	36.48%	58.40%

HÍR Televízió Rt	HírTV	99.54%	100.00%	2.71%	4.80%	98.89%	100.00%
Paprika Tv	Paprika Tv	NC	83.70%	NC	41.50%	NC	72.90%
Paprika Tv	TV Deko	NC	77.00%	NC	56.90%	NC	86.92%
Sport 1 Műsorszolgáltató Zrt.	Sport1	99.76%	100.00%	47.02%	35.80%	100.00%	100.00%
Sport 1 Műsorszolgáltató Zrt.	Sport2	99.93%	100.00%	44.33%	28.30%	100.00%	100.00%
Hálózatos televíziók Rt.	Hálózatos televízió	85.95%	88.50%	78.45%	78.80%	88.44%	59.00%
Echo Hungária TV Rt.	Echo TV	NC	98.70%	NC	11.30%	NC	11.30%
Compliance rate (IND 3/5)		68%	86%	64%	91%		
Average % (IND 2/4/6)		71.95%	76.93%	43.38%	53.91%	74.14%	71.46%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

HBO's channel HBO Zrt. and Viasat3's channel Viasat Hungária Zrt. fell short of the 50% European quota. HBO2's channel HBO Zrt. and Budapest TV's channel Budapest Televízió Zrt. did not comply with the statutory regulation in 2006 and 2005, respectively.

No data are available on the performance of TV Paprika Zrt's Paprika TV channel and on HBO2's channel HBO Zrt. in 2005. TV Paprika was launched in late 2004 and was exempted from the obligation to meet the quotas by the National Radio and Television Commission (hereinafter: "ORTT") by Decision No 666/2005 (IV. 4.). Since 2006, the broadcaster has been providing data and fulfilling its obligations. Channel HBO2 failed to supply data; details of the action taken by the ORTT against the owner HBO Zrt. are set out below.

In 2005 and 2006, HBO Zrt. was exempted from the obligations by ORTT Decision No 1859/2004 (XII. 15.) which was based on the authorisation granted by Article 7(3) of Act I of 1996 on Radio and Television Broadcasting (hereinafter: "the Act"). There was therefore no basis for sanctioning the broadcaster's non-compliance.

In its application for exemption, HBO Zrt. explained that it considered it realistically possible to allocate 23% of the annual broadcasting time of both HBO and HBO2 to broadcasting European works. This is because of the channel's thematic nature and subscription-based business model combined with the fact that, in accordance with the "non-slipback" clause, the proportion to be achieved in the future cannot be lower than 23%.

Partly in view of the programme structure of the broadcaster and of its subscription-based nature, the ORTT accepted the arguments set out in the application and granted an exemption to the broadcaster for 2007 by Decisions No 917/2007 (IV. 11.) and 918/2007 (IV. 11.).

HBO — ORTT Decision No 917/2007 (IV. 11.):

“In consideration of the application for exemption submitted by HBO Zrt., the ORTT authorises the broadcaster to allocate 23% of its broadcasting time on its HBO channel to European works, 1.5% to works produced originally in Hungarian and 1.3% to Hungarian language works produced by independent producers, by way of derogation from the proportions specified in Article 7(1) and (2) of the Act.”

HBO2 — ORTT Decision No 918/2007 (IV. 11.):

“In consideration of the application for exemption submitted by HBO Zrt., the ORTT authorises the broadcaster to allocate 23% of its broadcasting time on its HBO2 channel to European works, 1.5% to works produced originally in Hungarian and 1.3% to Hungarian language works produced by independent producers, by way of derogation from the proportions specified in Article 7(1) and (2) of the Act.”

In all likelihood HBO Zrt. qualifies as a broadcaster for which meeting the requirements of Articles 4 and 5 of the Directive is “not feasible”. As regards the non-compliance, it should be considered that the broadcaster is a thematic channel specialising in a specific area and accessible exclusively by subscription.

Since the reporting obligation was introduced (on 31 May 2004), Viasat Zrt. has never met the statutory requirements concerning European works. The broadcaster was not granted any exemption and therefore should have met the programming requirements laid down in Article 7 of the Act. In response to this non-compliance, the ORTT started administrative proceedings by Decision No 1320/2007 (VI. 6.).

Viasat Zrt. applied to the ORTT for an exemption, giving a commitment gradually to achieve the proportions required within a maximum of four years. By way of derogation from Article 7(1) and (2) of the Act, it undertook to ensure, in 2007, a proportion of 40% for European works and 30% of the 10% quota set for independent works. The ORTT contacted the broadcaster to conclude an agreement on the detailed terms and conditions on how gradually to achieve the set quotas, but received no reply. In the absence of any agreement, the ORTT initiated official proceedings against the broadcaster for non-compliance with Article 7(1) and (2) of the Act on 6 June 2007. By Decision 605/2008 (III. 26.) the ORTT imposed a fine of HUF 1 000 000 on the broadcaster for continuous infringement of its obligation concerning the proportion of European works and independent works in 2005 and 2006.

Budapest Televízió Zrt’s failure to fulfil the requirements in 2005 was due to anomalies in the data supplied, since the broadcaster entered the wrong data — despite several rounds of clarifications — and those data cannot be corrected for technical reasons. In 2006, the broadcaster duly submitted the correct data. The ORTT considers that the broadcaster met the programming requirements in 2005 as well, since practically all its broadcasts comprise works produced originally in Hungarian and the broadcaster had not applied for exemption concerning works by independent producers, declaring that it could meet the relevant statutory requirements. The ORTT considered that this was confirmed by the broadcaster’s programme schedule and the types of programmes it is broadcasting. Under these

circumstances and considering the improvement in the broadcaster's data reporting, the ORTT saw no reason to start administrative proceedings.

2. Minimum proportion of European works by independent producers (Article 5)

Budapest Televízió Zrt. and Viasat Hungária Zrt. fell short of the proportion for works produced by independent producers in 2005, as did Hír Tv in 2005 and 2006. Mixolid Zrt. supplied no data on this aspect.

Hír TV failed to meet the requirement for works by independent producers and recent works. However, this channel has been registered as a broadcaster specialising in news, pursuant to Article 2(43) of the Act, as at least 80% of its daily broadcasting time comprises the same type of (news) programmes. The programme schedule of the channel fully meets this criterion, so its treatment as an exception is fully justified.

Mixolid Zrt. failed to fulfil its data reporting obligation as it did not accept categorisation of its programmes. In the course of implementation of its Decision No 2761/2006. (XII. 13.), the ORTT consulted the broadcaster (which asked for an exemption) as overlaps between the ownership of the company producing its programmes and the broadcaster mean that the programmes produced do not qualify as independent works. The broadcaster has undertaken to resolve the anomaly. In view of the arguments put forward by the broadcaster, the ORTT exempted the broadcaster for 2007 by Decision No 914/2007 (IV. 11.):

“In consideration of the application for exemption submitted by Mixolid Szolgáltató Zrt., the ORTT authorises the broadcaster to allocate 5% of its broadcasting time on its fix.tv channel to Hungarian language works produced by independent producers in 2007, by way of derogation from the requirements set out in Article 7(2) of the Act.”

However, because the broadcaster was failing to fulfil its data reporting obligation, the ORTT started administrative proceedings against the broadcaster, by Decision No 1321/2007 (VI. 6.). By Decision No 606/2008 (III. 26.), under Article 112(1)(a) of the Act, the ORTT called upon the broadcaster Mixolid Zrt. to terminate its unlawful conduct. (The ORTT decided to impose the least stringent sanction under the Act because the broadcaster had infringed its data reporting obligation but not the quotas.)

B) Measures taken or envisaged by the Member State

The ORTT started administrative proceedings against Viasat Hungária Zrt. for non-compliance with the requirements for European works and for works produced by independent producers and against Mixolid Zrt. for non-compliance with its data reporting obligation. The procedure usually takes up to 30 days.

C) Further comments

1. New channels

The ORTT registered ECHO Tv Zrt.'s channel ECHO Tv. by Decision No 1683/2005 (VIII. 31.) and Paprika Tv Zrt.'s channel Deko Tv by Decision No 2512/2005 (XII. 7.). The 2005 data are not relevant to these channels since fulfilment of the requirements is based on the total annual broadcasting time, which is why only the 2006 data are presented in the table for these two channels.

2. Data supply method

Compliance with the obligations laid down in Article 7 of the Act is checked on the basis of a self-reporting system. The broadcasters send their records (a sort of booklet in which they record the broadcast time, duration, genre, place and time of production, name of the firm which produced the programme items and whether the producers qualify as independent or not) to the ORTT once a week. The data are aggregated once a month. The data on audience shares are incomplete, as the ORTT does not have these figures for every broadcaster (and this is not a mandatory requirement).

In column 1 of the record, the broadcaster has to note the programme items that fall within the quota requirements and those that do not. In column 2, the place of production is entered, while in the case of co-productions the provisions in the 2004 Film Act II — based on the Council of Europe Convention — apply. The year of production of the programme item is entered in column 3 (both for European works and for works produced originally in Hungarian), while column 4 states whether the producer qualifies as independent or not. The name of the producer has to be entered in column 5.

The ORTT requires data even from broadcasters that have been granted partial or complete exemption.

3. Definition of “recent work”

In the table, the terminology used in the Act is applied to works by independent producers and the statistics indicate the proportion of works produced not more than five years before broadcasting.

4. Legislative background

The requirements concerning broadcasting of works made by European and independent producers are set out in Article 7 of the Act.

“Article 7

(1) Television broadcasters shall reserve at least half of their total yearly transmission time for broadcasting European works and at least one third of it for broadcasting productions originally made in Hungarian.

(2) Television broadcasters shall reserve at least 10% of their total yearly transmission time for European works and at least 7% for works originally made in Hungarian by independent producers or made not more than five years before their purchase.

(3) The proportions provided for in paragraphs (1) and (2) — having regard to the broadcasters’ informational, educational, cultural and entertainment responsibility to viewers — shall be achieved progressively, if necessary. Broadcasters which do not attain the proportions stipulated in paragraphs (1) or (2) shall provide evidence that this is legal in the light of this provision.

(4) Television broadcasters shall reserve at least 12% of their programme budget for acquisition of programmes made by independent producers or produced not more than five years prior to their purchase. Such programmes — with the exception of films — shall have been made originally in Hungarian.

(5) For the purpose of this provision:

(a) “broadcaster” shall mean a broadcaster who broadcasts nationally or regionally and a broadcaster who broadcasts nationally as a result of connection to the network;

(b) in establishing total broadcasting time, broadcasts of news or sports events, games, advertisements and teletext services shall be excluded ...”

Under the authorisation provided for in Article 7(3) of the Act, the ORTT issued Decision No 505/2004 (IV. 15.), subsequently amended by Decision No 627/2004 (V. 5.), to clarify issues relating to progressive introduction of the programming requirements laid down in Article 7, to exceptions from compliance with the requirements and to specific procedural issues.

In its 7th Communication of 14 August 2006 on the application of Articles 4 and 5 of the Directive, the Commission criticised the general nature of the exemptions granted by the ORTT in Decision No 627/2004 (V. 5.) and the fact that the decisions granting exemptions have been taken without regard to the principle of progressive introduction, by simply acknowledging the channels’ failure to meet the quotas.

Therefore, there was a need for radical revision of ORTT Decision No 627/2004 (V. 5.) laying down the exemption decisions in line with the criteria adopted by the Commission. To this end, ORTT Decision No 627/2004 (V. 5.), subsequently amended by ORTT Decision No 2761/2006 (XII. 13.), set out detailed rules on how the programming requirements (quotas) introduced by the Act should be met:

“By virtue of the authorisation provided for in Article 41(j) of Act I of 1996 on Radio and Television Broadcasting (hereinafter referred to as “the Act”), the ORTT adopts the following Decision concerning the programming requirements laid down in Article 7 (the mandatory proportion of European works and the Hungarian language quotas), the progressive introduction of the programming requirements laid down in Article 7(3), exceptions from compliance with the requirements and specific procedural issues:

The programming requirement laid down in Article 7(1), (2) and (4) of the Act shall apply to all television programme broadcasting subject to Act I of 1996 on Radio and Television Broadcasting, except for the broadcasters exempted by this Decision.

Television broadcasters shall establish the quota requirement on the basis of their total annual broadcasting time, deducting the programme times of *news, sports events, games, advertisements, television shopping and teletext services*.

The following are exempted from this Act:

1. Article 7(1), (2) and (4) shall not apply to television broadcasts that consist exclusively of “*news, sporting events, games, advertisements, television shopping or teletext services*” and the time allocated to such broadcasts shall be deducted from the total broadcasting time for the year.

2. Article 7(1), (2) and (4) shall not apply to local television broadcasts provided for by Article 2(10) of the Act if they do not form part of a national network.

3. Article 7(1), (2) and (4) shall not apply to television broadcasters that exclusively broadcast programmes in languages other than those of the Member States⁴²; where such a language or languages constitute not all but a significant part of the channel's transmission time, Article 7(1), (2) and (4) shall not apply to that part of the transmission time.

4. Television broadcasts that can be received only in a third country and cannot be received indirectly or directly in the territory of any Member State shall be exempted from the requirements of Article 7(1), (2) and (4).

5. Television broadcasts whose target coverage area falls exclusively outside the borders of Hungary and which cannot be received either indirectly or directly in Hungary shall be exempted from the Hungarian programme requirements in Article 7(1), (2) and (4).

Exemption on request:

The ORTT may partly exempt specialised and satellite broadcasters (with the exception of public service broadcasters) from the requirements, in advance and more than once, for a given period on the basis of an individual request justified by the broadcaster in a way that is compatible with the provisions laid down in the Directive, and to a degree gradually decreasing in each successive period, in accordance with the principle of progressive improvement.

The ORTT shall grant exemptions by individual decisions addressed to a given broadcaster for a maximum of one year. One month before the expiry of the exemption, the exempted broadcaster may submit another application for exemption for the next year, with a proper explanation of its reasons for doing so.

When granting exemptions, the ORTT shall take account of the extent to which any given broadcaster can, under the given market conditions, undertake to meet the quota, having regard to the broadcaster's informational, educational, cultural and entertainment responsibility. However, in view of the provisions laid down in the Directive, the ORTT cannot accept reasons based exclusively on economic considerations in evaluating applications for exemption. In agreements it concludes with broadcasters, the ORTT shall include a clause providing that the broadcaster must meet at least the proportion attained in the preceding year, even if it has been granted exemption from the quotas or if it did not manage to meet them.

Broadcasters that have not submitted an application for exemption, or those that have submitted one if it was refused by the ORTT and yet they still fail to meet the prescribed quotas, shall conclude an agreement with the ORTT in which they undertake to achieve the proportion delivered in the preceding year — in accordance with the principle of a progressive approach — in the year following conclusion of that agreement.

Reporting:

Every television broadcaster — regardless of whether it is granted a licence or not — must report on its compliance with the obligation laid down in Article 7(1) and (2), as specified in Article 89(4)(e).

⁴² A Member State is a state that is a Member State of the European Union or of the European Economic Area or one that has signed the European Convention on Transfrontier Television.

The reporting obligation shall apply to exempted broadcasters on the basis of and subject to the terms and conditions of the agreement concluded with the ORTT.

The deadline for submitting the reasoned applications for exemption for the next year shall be 31 August every year for broadcasters already operating. For newly launched broadcasters it shall be the 90th day following the day on which broadcasting started.

The application must give details of the proportion of European works, of those produced originally in Hungarian and of those produced by independent producers in the total transmission time in the preceding year, along with data that may justify exemption or may explain the failure to meet the proportions — below the quotas — specified in the agreement.

Pursuant to Article 7(3) of the Act, if the broadcaster failed to meet the proportions laid down in paragraphs (1) and (2) during the given calendar year, the broadcaster must prove that this practice was legitimate. Broadcasters should make efforts to improve on the proportions attained during the preceding year.

It shall be accepted by the ORTT as legitimate if the broadcaster fulfils its obligation specified in Article 7 only to a certain degree during the first three years of its operation, but even in such cases at least half of the quota must be met. The ORTT may grant one-off partial exemption from the quotas up to the end of the third year, in accordance with a plan containing precise data specified in the agreement.

The Műsorfigyelő és -elemző Igazgatóság (Directorate for Monitoring and Analysing Programmes) shall review television broadcasters' programmes once a month for compliance with the proportions specified in Article 7(1) and (2). Fulfilment of the obligations shall be evaluated by the ORTT once a quarter/twice a year.⁴³

Pursuant to Article 7(4), the broadcaster must certify its compliance with the proportions in the framework of its annual report by presenting data certified by an auditor.

If the broadcaster fails to fulfil its obligations laid down in Article 7 or if it fails to fulfil its reporting obligation, the ORTT may apply the sanctions specified in Article 112; in particular, it may apply the sanctions referred to in Article 112(1)(a), (b) and (d) to broadcasters operating under a contract and it may apply those referred to in Article 112(1)(a), (b) and (e) to broadcasters covered by Article 113, while public service broadcasters may be liable to the sanctions specified in Article 112(1)(a), (b) and (e).⁴⁴

⁴³ Based on the monthly reports, a quarterly evaluation of the data is produced, whereas performance in terms of the quotas is evaluated by the ORTT twice a year. If a broadcaster fails to submit the required data, the ORTT takes the necessary action. In the event of failure to meet the statutory ratios, the ORTT notifies the broadcaster concerned — after the twice-yearly evaluation — but action may be taken only in the light of the data for the entire year, as performance is assessed on the basis of the annual broadcasting time.

⁴⁴ Under Article 112 (1), “if the broadcaster fails to meet or if it breaches the conditions laid down in this Act, in the Act on Copyright or in the broadcasting or radio licence, or if a person who had an employment relationship or other legal relationship with the broadcaster when the act was committed is found guilty by the final decision of the court of having committed the criminal act specified in Article 329 of the Criminal Code, the ORTT: (a) shall call on the broadcaster to terminate the conduct concerned; (b) shall establish the violation of the law in the form of a written warning, calling on the broadcaster to terminate the infringement and to refrain from the infringement in the future; (c) shall suspend the right to exercise the broadcasting licence for a set period of time not exceeding 30 days; (d) shall apply the penalty specified in the contract; (e) shall impose a fine on the public service

broadcaster or the broadcaster engaged in broadcasting activities based on notification, or on the basis of a request by the Complaints Committee within the limits specified in Article 135; (f) shall withdraw the licence with immediate effect.”

MALTA

Number of channels		Reference period		Monitoring method			
Total identified: 5 Covered (IND 1): 5		2005/2006		Self-assessment by broadcasters (on the basis of a yearly questionnaire)			
MT	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
PBS Ltd	TVM	92.50%	95.00%	63.00%	71.00%	100%	100%
PBS Ltd	Education 22	92.00%	91.00%	40.00%	45.00%	75%	89%
Media.Link Communications Ltd	NET TV	58.61%	66.57%	50.38%	50.18%	97%	94%
One Productions Ltd	Super One TV	69.14%	67.38%	18.20%	16.44%	60%	56%
Smash Communications Ltd	Smash TV	72.70%	72.70%	42.20%	42.20%	72%	72%
Compliance rate (IND 3/5)		100%	100%	100%	100%		
Average % (IND 2/4/6)		76.99%	78.53%	42.76%	44.96%	80.80%	82.20%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

Not applicable.

2. Minimum proportion of works by independent producers (Article 5)

Not applicable.

NETHERLANDS

Number of channels	Reference period	Monitoring method
<p>Total identified: 112</p> <p>Covered (IND 1): 65 (2005); 85 (2006)</p>	<p>2005/2006</p>	<p>The public broadcasters collect the data on their channels on the basis of total programming (excluding the exempted categories like news, sport, etc.). The data are supplied to the Media Authority (“Commissariaat voor de Media”).</p> <p>The commercial broadcasting channels with cable coverage of more than 75% reported to the Media Authority on the basis of a random sample from the periods indicated by the Media Authority. The periods were 26 February to 4 March 2005, 23 to 29 April 2005, 3 to 9 September 2005, 10 to 16 December 2005, 25 to 31 March 2006, 20 to 26 May 2006, 9 to 15 September 2006 and 18 to 24 November 2006. The broadcasters reported on all programmes in those weeks. They had to state, for each programme item, <i>inter alia</i> whether it counts towards the eligible transmission time, whether it is a European work, whether it is an independent work and the year in which it was produced. All broadcasters have to fill in a form drawn up by the Media Authority. On the basis of the submissions, the different percentages are then calculated.</p> <p>The small commercial channels were allowed simply to provide a statement of the percentages of European, independent and recent productions which they had broadcast. The statistical overview does not include local commercial channels which can be received in only one municipality or in a limited number of neighbouring municipalities, because the European quotas do not apply to small commercial channels.</p> <p>The Media Authority submitted the statistical overview to the independent television producers who possess data on (European) independent works broadcast by the public channels and the large commercial channels (in this case RTL 4, RTL 5 and RTL 7, which do not fall under Dutch jurisdiction, and SBS 6, Net 5, Veronica and Talpa). These data for 2005 tally with the data collected by the Media Authority. The independent television producers have not yet been able to provide the Media Authority with the figures for 2006.</p>

NL	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Publieke landelijke omroep	Nederland 1	94%	97%	38%	43%	98%	95%
Publieke landelijke omroep	Nederland 2	96%	94%	58%	42%	94%	94%
Publieke landelijke omroep	Nederland 3	92%	91%	44%	40%	74%	68%
St. Samenwerkende Publieke Omroepen Midden Nederland	Utrecht	100%	100%	41%	54%	100%	100%
Stichting Omroep Drenthe	Drenthe	100%	100%	29%	40%	63%	100%
Stichting Omroep Gelderland	Gelderland	100%	100%	12%	12%	100%	100%
Stichting Omroep Limburg	Limburg	100%	100%	38%	70%	100%	100%
Stichting Omroep Zeeland	Zeeland	100%	89%	13%	0%	100%	100%
Stichting Omroep Fryslân	Fryslân	100%	100%	23%	33%	100%	100%
Stichting Regionale Omroep Brabant	Brabant	100%	100%	46%	13%	100%	100%
Stichting Regionale Omroep Flevoland	Flevoland (Almere edition)	100%	100%	29%	54%	100%	100%
Stichting Regionale Omroep Flevoland	Flevoland (provincial edition)	100%	100%	29%	54%	100%	100%
Stichting Regionale Omroep Rotterdam-Rijnmond en omgeving	Rijnmond	94%	100%	57%	50%	100%	91%

Stichting Regionale Omroep West	West	100%	100%	61%	51%	100%	100%
Stichting Regionale Televisie Noord	Groningen	100%	100%	32%	60%	100%	90%
Stichting RTV Noord-Holland	Noord-Holland (Amsterdam edition)	100%	100%	48%	34%	100%	100%
Stichting RTV Noord-Holland	Noord-Holland (provincial edition)	100%	100%	52%	34%	100%	100%
Stichting RTV Oost	Oost	100%	100%	36%	54%	100%	100%
Radio Nederland Wereldomroep	BVN	100%	100%	EX	EX	100%	100%
KinderNet C.V. p/a MTV Networks	Nick Jr	NO	35%	NO	44%	NO	92%
MTV Networks B.V.	MTV Brand New (formerly TMF Pure)	NO	59%	NO	59%	NO	100%
MTV Networks B.V.	MTV The Netherlands	35%	33%	29%	31%	94%	100%
MTV Networks B.V.	Nickelodeon	47%	28%	46%	27%	58%	98%
MTV Networks B.V.	The Music Factory (TMF)	50%	65%	45%	65%	95%	100%
MTV Networks B.V.	TMF NL	NC	73%	NC	61%	NC	100%
MTV Networks B.V.	TMF Party	NC	79%	NC	79%	NC	100%
SBS Broadcasting B.V.	Net 5	11%	15%	31%	14%	98%	88%
SBS Broadcasting B.V.	SBS 6	44%	66%	31%	20%	99%	89%

SBS Broadcasting B.V.	Tele 6	EX	EX	EX	EX	EX	EX
SBS Broadcasting B.V.	Via 5	EX	EX	EX	EX	EX	EX
Talpa TV B.V.	Talpa (now “Tien”)	83%	82%	64%	64%	100%	73%
Tel Sell B.V.	Tel Sell	EX	EX	EX	EX	EX	EX
The Box Holland B.V.	The Box	NC	46%	NC	46%	NC	100%
TV 10 B.V. p/a SBS Broadcasting B.V.	Veronica/Jetix	40%	60%	50%	56%	99%	88%
@home (formerly Essent Kabelcom B.V.)	Zizone (formerly Proost-TV)	NO	EX	NO	EX	NO	EX
Albeda College	ETV.NL	96%	94%	23%	31%	100%	100%
CAIW Media B.V.	WAY.TV	NO	EX	NO	EX	NO	EX
Carthage II B.V. p/a SBS Broadcasting B.V.	Irisz	44%	61%	34%	61%	64%	90%
Chellomedia Programming B.V.	Club	47%	NO	47%	NO	50%	NO
Chellomedia Programming B.V.	Club (CE)	54%	NO	53%	NO	61%	NO
Chellomedia Programming B.V.	Club (EE)	42%	NO	41%	NO	65%	NO
Christoffer Productions & Beheer B.V.	The Family 7 Channel	48%	56%	16%	30%	87%	89%

Clear Television Network B.V.	Clear TV	29%	NC	28%	NC	100%	NC
Donatus B.V.	Weerkanaal	NO	100%	NO	100%	NO	100%
GraafschapTV	GraafschapTV	100%	NC	38%	NC	100%	NC
Hermans Retail Europe B.V. p/a Kalff Katz & Koedoder	Regio 22	NO	100%	NO	90%	NO	90%
Hermans Retail Europe B.V. p/a Kalff Katz & Koedoder	Telewinkelomroep Sale 22	NO	EX	EX	EX	NO	EX
InfoThuis Nieuwe Media B.V.	InfoThuis TV	100%	100%	100%	100%	100%	100%
InfoThuis Nieuwe Media B.V.	InfoThuis TV (Westland/Midden Delfland edition)	100%	100%	100%	100%	100%	100%
Massalia Telecom Nederland B.V.	Sexy Sat Television 1	NC	100%	NC	0%	NC	0%
Massalia Telecom Nederland B.V.	Sexy Sat Television 2	NC	100%	NC	0%	NC	0%
Maximaal Multimedia	Maximaal TV +	EX	100%	EX	71%	EX	100%
N.V. Multikabel	MultiView	EX	EX	EX	EX	EX	EX
NederSat N.V. p.a. Kerkman	Full/X 4 Free	NO	EX	NO	EX	NO	EX
NostalgieNet B.V.	NostalgieNet	NO	100%	NO	100%	NO	100%

PT. Cipta Indah Strategi h.o.d.n. Garuda T.V.	Garuda TV	NO	NC	NO	NC	NO	NC
Regionaal Televisie Netwerk Limburg B.V.	TV Limburg (8 editions)	100%	100%	26%	34%	100%	0%
Royal B.V.	RTV 10 (formerly Royal TV)	99%	99%	68%	46%	80%	100%
Satellite Data Broadcasting B.V.	Sexview promo	EX	EX	EX	EX	EX	EX
SMV Audiovisuals B.V.	Raceworld TV	EX	EX	EX	EX	EX	EX
Stichting Maharishi University of Management (M.U.M.)	Maharishi Open University	EX	EX	EX	EX	EX	EX
Stichting Maharishi University of Management (M.U.M.)	Maharishi Veda University	EX	EX	EX	EX	EX	EX
Stichting Rotterdamse T.V. Producties	RNN (Regio News Network)	NC	100%	NC	16%	NC	60%
TV & CO Holding B.V.	TV&CO (3 editions)	NO	100%	NO	31%	NO	100%
TV Digitaal B.V.	TV Oranje	100%	100%	100%	100%	73%	65%
TV4U B.V.	Action Now	NO	NC	NO	NC	NO	NC
United Football Broadcasting B.V.	Sportkanaal	EX	NO	EX	NO	EX	NO

WorldMadeChannel B.V.	WorldMadeChannel	NO	EX	NO	EX	NO	EX
Your Channels TV B.V.	Golf Course Channel TV	NO	EX	NO	EX	NO	EX
Arrivo on demand B.V.	Arrivo	25%	29%	25%	29%	90%	96%
Arrivo on demand B.V.	Arrivo (Austria)	29%	35%	29%	35%	95%	100%
Arrivo on demand B.V.	Arrivo (Germany)	35%	37%	35%	37%	92%	90%
Arrivo on demand B.V.	Arrivo (Norway)	30%	26%	30%	26%	100%	100%
Arrivo on demand B.V.	Arrivo (Sweden)	32%	30%	32%	30%	97%	100%
Arrivo on demand B.V.	Arrivo (Switzerland)	30%	34%	30%	34%	97%	99%
Chellomedia Programming B.V.	Film 1.1 (formerly Canal+)	EX	46%	EX	46%	EX	96%
Chellomedia Programming B.V.	Film 1.2 (formerly Canal+)	EX	43%	EX	43%	EX	95%
Chellomedia Programming B.V.	Film 1.3 (formerly Canal+)	EX	50%	EX	50%	EX	94%
Chellomedia Programming B.V.	Sport 1	NO	EX	NO	EX	NO	EX
Free - X TV B.V.	Backroom/FreeX TV2	39%	44%	39%	44%	100%	100%
Free - X TV B.V.	Free-X TV	43%	30%	43%	30%	100%	100%
Free - X TV B.V.	Free-X TV Light	32%	NO	32%	NO	100%	NO
Free - X TV B.V.	Xdream	16%	74%	16%	74%	100%	100%
Marc Dorcel TV Netherlands B.V.	Marc Dorcel TV	NO	74%	NO	74%	NO	79%

Mintrade B.V. p/a IBSBM	Intimacy (previously Exotica)	13%	EX	100%	EX	100%	EX
NederSat N.V. p.a. Kerkman	Full-X 1	87%	15%	NC	10%	NC	10%
NederSat N.V. p.a. Kerkman	Full-X 2	4%	15%	NC	10%	NC	10%
NederSat N.V. p.a. Kerkman	Full-X 3	NC	15%	NC	10%	NC	10%
NederSat N.V. p.a. Kerkman	Full-X 4	NO	EX	NO	EX	NO	EX
Private Blue and Gold Broadcasting B.V.	Private Gold	88%	NO	2%	NO	100%	NO
Sapphire Media International B.V.	Blue Hustler	85%	20%	27%	20%	100%	100%
Sapphire Media International B.V.	Hustler TV	1%	7%	0%	0%	0%	0%
Sapphire Media International B.V.	XXX Xtreme	4%	2%	0%	0%	0%	0%
Satellite Data Broadcasting B.V.	Livesex tv	46%	80%	46%	80%	100%	100%
Satellite Data Broadcasting B.V.	Scrambled Temporary Fun	66%	70%	28%	70%	89%	100%
Satellite Data Broadcasting B.V.	Sexview	NO	100%	NO	100%	NO	100%
Satellite Data Broadcasting B.V.	Sexview 24/7	NO	80%	NO	70%	NO	100%
Satellite Data Broadcasting B.V.	Sexview Climax	NO	80%	NO	80%	NO	100%

Satellite Data Broadcasting B.V.	Sexview DP	NO	80%	NO	80%	NO	100%
Satellite Data Broadcasting B.V.	Sexview Extreme	NO	80%	NO	80%	NO	100%
Satellite Data Broadcasting B.V.	Sexview Gay	NO	70%	NO	70%	NO	100%
Satellite Data Broadcasting B.V.	Sexview Hot	NO	70%	NO	70%	NO	100%
Satellite Data Broadcasting B.V.	Sexview Inter	NO	70%	NO	70%	NO	100%
Satellite Data Broadcasting B.V.	Sexview Special	NO	100%	NO	100%	NO	100%
Satellite Data Broadcasting B.V.	Sexview TV	NO	70%	NO	70%	NO	100%
Stichting The Word	The Word Network	NO	EX	NO	100%	NO	100%
STV International B.V. p/a Loyens en Loeff	Playboy TV/Private Spice	NO	89%	NO	89%	NO	90%
STV International B.V. p/a Loyens en Loeff	Spice	NO	23%	NO	23%	NO	100%
TV4U B.V.	X-Zone	NO	NC	NO	NC	NO	NC
Versatel Nederland B.V.	Tele2 Eredivisiekanal	NO	EX	NO	EX	NO	EX
Versatel Nederland B.V.	Tele2 Eredivisiekanal (18 editions)	NO	EX	NO	EX	NO	EX
Versatel Nederland B.V.	Versatel TV	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		51%	68%	81%	88%		
Average % (IND 2/4/6)		66.38%	71.38%	39.45%	49.60%	89.50%	86.78%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

The average proportions of European productions broadcast in 2005 and 2006 were 66.38% and 70.26% respectively.

The Netherlands authorities declared that the compliance rate was 60% for 2005 and 74% for 2006, although different figures are given in their statement. They argue that this statement gives a distorted picture. In 2005 and 2006, the Media Authority granted various channels partial exemption from the required proportion, setting them a lower percentage for European productions (see the explanations below regarding the various channels). The channels Arrivo on demand B.V. and Chellomedia Programming B.V. achieved the lower percentage set by the Media Authority. Consequently, under the Netherlands rules, the compliance rate for 2005 would be not 51% but 60%, and for 2006 not 65% but 74%.

MTV Networks B.V.

MTV did not achieve the required percentage of European productions in 2005 on the channels MTV and Nickelodeon and in 2006 on MTV, Nickelodeon and Nick Jr. With reference to the report for 2005, discussions were held with the music channels about their reporting obligations. It turned out to be difficult to report because they broadcast mainly video clips. Agreement was reached with the music channels that reports may be based on the playlist, 90% of which comprises the video clips broadcast. MTV is also increasingly broadcasting regular programme items. In the report for 2003 and 2004, MTV stated that it expected to broadcast a larger proportion of European productions in 2006. The report for 2005 and 2006 shows the opposite to be the case, however. The Media Authority has issued a warning for failing to achieve the required percentage of European productions.

The required percentage of European productions was also not achieved on Nickelodeon (and Nick Jr). MTV stated the reasons for this in the past. Nickelodeon and Nick Jr are niche channels intended exclusively for children. Children's programmes are expensive. In a small country with a limited language area it is therefore impossible for channels to produce (or to commission the production of) many children's programmes of their own. Also, the supply of European children's programmes is small and does not always fit in with what Nickelodeon wishes to provide, namely non-violent and educational programmes. Therefore, many "own" Nickelodeon programmes from the United States are broadcast.

SBS Broadcasting B.V.

SBS did not achieve the required percentage of European productions on the channels SBS 6, Net 5 and Veronica/Jetix in 2005 and on Net 5 in 2006. For failing to achieve the required percentage in 2005, by decision of 22 May 2007 SBS was fined €13 500. SBS stated that with Net 5's programme format it is difficult to comply with the required percentage because the format is intended for Dutch women. This calls for a certain range of programmes which are produced mainly in the United States and are bought from there. In addition, expensive Dutch programmes are being developed which are difficult to repeat because of the type of programme. Programmes such as "Peking Express", with a denouement in the last episode, are more difficult to repeat. SBS has stated that it would be (too) expensive to have more European programmes produced for Net 5. SBS will consider how to comply with the required percentage in future.

@home (formerly Essent Kabelcom B.V.)

This channel was launched in mid-2006.

Chellomedia Programming B.V.

In 2005, Chellomedia broadcast an insufficient proportion of European works on two of its three general broadcasting channels. Chellomedia gave no reasons for this. Chellomedia ceased broadcasting in 2006. The Media Authority has therefore decided to take no action.

The special channels, in this case Film 1.1, Film 1.2 and Film 1.3, were granted partial exemption from the European productions quota. Chellomedia complied with the new percentages imposed at national level.

Clear Television Network B.V.

In 2005, this channel did not comply with the majority proportion of European productions. It did not submit any data for 2006. The channel is now bankrupt. The Media Authority has therefore decided to take no further steps.

Graafschap TV

Graafschap TV is a regional channel which did not submit any data for 2006. Given the programming, the Media Authority assumes that the percentages for 2006 will be comparable to those for 2005.

Massalia Telecom Nederland B.V.

Massalia did not submit any data on its two channels for 2005 and 2006. In respect of 2005, Massalia received a warning for this from the Media Authority. Since then, the Broadcasting Commission has initiated penalty proceedings for failing to supply data in respect of 2006. During this procedure Massalia submitted the data and therefore the Media Authority issued only a warning for not achieving the required percentage of independent productions.

PT. Cipta Indah Strategi trading under the name Garuda TV

This channel had difficulty in supplying the requested data as they had to come from Indonesia. A meeting was held with Garuda TV, which gave a commitment that the requested data will finally be supplied.

Stichting Rotterdamse TV Producties

Stichting Rotterdamse TV Producties submitted no data on the channel RNN for 2005 and 2006. In respect of 2005 RNN received a warning for this. Since then, the Media Authority has initiated penalty proceedings for failing to supply data in respect of 2006. During this procedure RNN submitted the data, which indicate that it achieved the required percentages in 2006. For 2005, no data were submitted.

Stichting Maharishi University of Management

These channels can be received only outside Europe.

TV4U B.V.

The Action Now channel was launched in mid-2006. No data were submitted for the X-zone channel. The Broadcasting Commission has issued a warning for failing to supply the requested data.

World Made Channel

This channel was launched in 2006 and, because of its nature, has been partially exempted from the rule on European productions. The channel broadcasts home video programmes intended for the whole world.

Arrivo on demand

These channels were granted a partial exemption setting them a figure of 25% for European productions. Arrivo achieved this proportion.

Chellomedia Programming B.V.

These channels were granted a partial exemption setting them a figure of 10% for European productions. Chellomedia Programming B.V. achieved this proportion.

Mintrade B.V.

This channel can be received only outside Europe.

NederSat N.V.

NederSat NV's three channels Full-X1, Full-X2 and Full-X3 were granted a partial exemption setting them a target of 25% for European productions for 2006. Full-X1, Full-X2 and Full-X3 did not even comply with this lower proportion. Since then, the broadcasts have been discontinued. The Media Authority has therefore decided to take no action.

Stichting The World

This channel was launched at the end of 2006.

Sapphire Media International B.V.

Sapphire's three channels did not comply with the required percentage of European productions. Sapphire gave no reasons for this. For 2005, the Broadcasting Commission has already drawn Sapphire's attention to its shortcomings in this respect. The Broadcasting Commission does not consider it appropriate to take action, however, because it does not wish this requirement to lead to (further) development of a European pornography industry.

2. Minimum proportion of European works by independent producers (Article 5)

The average proportions of independent productions broadcast in 2005 and 2006 were 39.45% and 49.60% respectively.

Sapphire's channels failed to comply with the minimum proportion of independent productions. This was because the quantity of European productions broadcast was also insufficient.

Regional public channels broadcast mainly programmes which do not count as part of the transmission time to be taken into account and therefore do not have to be reported. Those programmes are also repeated on a revolving basis. Therefore, European productions often comprise a single programme which the channel itself produces. For these reasons, in 2006 Stichting Omroep Zeeland failed to comply with the required proportion of independent productions.

De Wereldomroep broadcasts a cross-section of Dutch-language programmes broadcast on public channels in the Netherlands. The selection criterion is that programmes must be suitable for Dutch people abroad. The national public channels broadcast the required percentage of European productions or more, thus fulfilling the objective of the Directive.

B) Measures taken or envisaged by the Member State

The Media Authority has initiated a number of penalty proceedings (see section A above) for failure to supply the requested data or for non-compliance with the required proportions. The Media Authority has imposed a fine of SBS €13 500 for not complying with the required percentage of European productions. The Media Authority warned MTV for failing to comply with the required percentage of European productions. Penalty proceedings have been initiated against Massalia and Stichting Rotterdam TV Producties for not supplying data in respect of 2006. During these proceedings, both parties submitted the relevant data.

Following the measures taken and planned, in the next report the Netherlands aims to achieve an even higher compliance rate.

AUSTRIA

Number of channels	Reference period	Monitoring method
Total identified: 16 Covered (IND 1): 12 (2005); 11 (2006)	2005/2006	Reporting is a legal requirement; failure to do so incurs an administrative penalty

AT	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
ORF	ORF 1	33.00%	32.50%	20.20%	20.70%	14.40%	13.60%
ORF	ORF 2	83.20%	90.10%	36.90%	43.00%	25.80%	31.60%
ORF	Sport Plus	NO	EX	NO	EX	NO	EX
ORF	TW1	96.10%	96.50%	59.00%	67.10%	54.30%	56.90%
ATV Privatfernseh-GmbH	ATV+	33.10%	40.70%	33.10%	40.70%	90.00%	95.50%
Sat.1 Privatrundfunk und Programmgesellschaft m.b.H.	Sat.1 Österreich Fenster-Programm	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
K-TV Fernseh GmbH & Co KEG	K-TV	99.00%	99.00%	43.00%	51.00%	74.40%	82.00%
FASHION TV Programmgesellschaft m.b.H.	Fashion TV	66.60%	66.60%	60.00%	60.00%	80.00%	80.00%
Premiere Fernsehen GmbH	Premiere Österreich	42.00%	44.00%	23.00%	23.00%	62.60%	63.50%

ProSieben Austria GmbH	ProSieben Österreich	92.60%	92.60%	92.60%	92.60%	100.00%	100.00%
GoTV Fernseh-GmbH (formerly TIV Kabelfernseh GmbH)	GoTV	70.00%	70.00%	56.00%	56.00%	89.28%	89.00%
MEC Sport und Entertainment GmbH	RaceON TV	EX	EX	EX	EX	EX	EX
Franz Ressel Handels GmbH	INXTC TV	20.00%	20.00%	20.00%	20.00%	100.00%	100.00%
Premiere Fernsehen GmbH	Blue Movie	52.00%		52.00%		64.00%	
Kanal Telemedial Privatrundfunk GmbH	Primetime TV	NO	EX	NO	EX	NO	EX
Mostafavi-Rad KEG	Firebird TV	NO	EX	NO	EX	NO	EX
Compliance rate (IND 3/5)		67%	64%	100%	100%		
Average % (IND 2/4/6)		65.63%	68.36%	49.65%	52.19%	71.23%	73.83%

A) Reasons given by the Member State for failing to achieve the proportions

1. Majority proportion of European works (Article 4)

In the case of the channel ORF 1, the ORF drew attention to the special market conditions. In terms of sporting events and the resulting extensive reporting requirements (Turin Winter Olympics and football World Cup) 2006 was a special year, as the calculation cannot include sports reports. As a result, mainly self-produced European works were broadcast on ORF 2, on which the figure was 90%. Also, with a view to increasing the proportion of European and own productions, the ORF began a comprehensive reform in April 2007. For example, for the first time a separate series of slots has been introduced which are devoted exclusively to European films. The range of measures taken should therefore significantly increase the proportion on ORF 1 in years to come.

In the case of ATV Privatfernseh GmbH, it should be pointed out that this exclusively national private terrestrial television company is continuing to struggle with market conditions and, above all, with the fact that, as it is in competition with the ORF and countless German

channels, it would have to accept considerable losses of viewers and market share if its programmes did not include a suitably high proportion of international (mainly US) films and series. The company points out that, regrettably, European productions seldom attract large numbers of viewers. Attention was also drawn to the high licensing and co-production costs associated with European films, in comparison with international productions.

Premiere Fernsehen GmbH stated that 50% had not been achieved because a considerable number of programming hours were devoted to recent international (above all US) film productions, in consideration of their success in cinemas. Despite this, however, this proportion had clearly increased compared with the previous reporting period (from 37% in 2004 to 44% in 2006).

Number of television channels subject to the reporting requirement

The ORF's SPORTPLUS channel is devoted purely to sport and, in accordance with its remit, focuses on sports that do not usually receive much media coverage. SPORTPLUS is therefore limited mainly to minority sports and, as a sports-only channel, is not subject to the reporting requirement.

Kanal Telemedial Privatrundfunk GmbH has been broadcasting purely teleshopping programmes since July 2006 and is therefore not subject to the programme quotas.

Mostafavi Rad KEG's Firebird TV is a music channel broadcasting oriental music (in Arabic, Turkish, Russian and Persian only) to an audience in the Middle East, in particular in Iran, Iraq and Saudi Arabia. It is therefore assumed that this channel, as a special thematic channel, is in any case exempted from the requirement. Mostafavi Rad KEG was not authorised until July 2006 and was not broadcasting during the 2005 reporting period.

MEC Sport und Entertainment GmbH broadcasts live horse racing from the United States and Austria (Magna Racino), without any pre-race or background reports. Only commentaries and race information (betting and results) are transmitted. The (encrypted) channel can be received only at race courses and in sports cafés and betting shops. As the channel comprises purely sports programmes, it is exempted from the requirements of Articles 4 and 5.

Since November 2005, the erotic channel Blue Movie (broadcast up until then by Premiere Fernsehen GmbH) no longer falls under Austrian jurisdiction.

A number of channels were not yet broadcasting during the reporting period (although they already held an authorisation), namely Belagro Medien und Handel GmbH, Alpenglüh Media GmbH and StarSat Werbevertriebs GmbH. Kanal Telemedial Privatrundfunk GmbH did not start broadcasting until July 2006.

Apart from the broadcasters listed above, a number of companies transmit on local and regional cable networks. There are also a number of terrestrial broadcasters at local and regional level. However, under Article 9 of the Directive, none of these channels is considered to be covered by the reporting requirement.

POLAND

Number of channels	Reference period	Monitoring method
Total identified: 55 Covered (IND 1): 50 (2005); 53 (2006)	2005/2006	Collection of data from broadcasters

PL	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
TVP S.A.	TVP 1	70.00%	72.25%	25.75%	41.00%	64.75%	59.75%
TVP S.A.	TVP 2	80.00%	69.50%	34.75%	33.75%	66.50%	74.00%
TVP S.A.	TVP 3 Białystok	88.75%	90.25%	17.08%	13.75%	47.98%	50.75%
TVP S.A.	TVP 3 Bydgoszcz	88.25%	90.00%	19.75%	14.40%	42.25%	48.98%
TVP S.A.	TVP 3 Gdańsk	88.40%	88.58%	18.10%	13.88%	49.03%	48.25%
TVP S.A.	TVP 3 Gorzów Wlk.	87.73%	90.50%	16.55%	12.80%	43.28%	46.58%
TVP S.A.	TVP 3 Katowice	88.65%	90.13%	19.80%	16.15%	50.25%	50.43%
TVP S.A.	TVP 3 Kielce	88.58%	91.55%	17.03%	13.53%	48.73%	47.23%
TVP S.A.	TVP 3 Kraków	92.10%	91.33%	17.20%	14.33%	46.35%	51.25%
TVP S.A.	TVP 3 Lublin	88.98%	92.10%	15.78%	12.30%	44.70%	42.55%
TVP S.A.	TVP 3 Łódź	88.80%	90.43%	17.20%	12.03%	44.20%	42.68%
TVP S.A.	TVP 3 Olsztyn	83.73%	85.35%	16.30%	14.48%	42.38%	42.23%
TVP S.A.	TVP 3 Opole	86.15%	88.85%	18.85%	13.55%	43.43%	45.40%
TVP S.A.	TVP 3 Poznań	89.28%	89.15%	17.70%	13.50%	45.58%	47.45%
TVP S.A.	TVP 3 Rzeszów	84.93%	90.15%	15.75%	12.38%	41.63%	38.45%
TVP S.A.	TVP 3 Szczecin	88.38%	90.00%	16.95%	12.83%	44.55%	43.35%
TVP S.A.	TVP 3 Warszawa	88.60%	90.13%	18.15%	14.80%	44.90%	45.53%

TVP S.A.	TVP 3 Wrocław	88.35%	90.08%	15.48%	12.38%	41.45%	35.95%
TVP S.A.	TVP Polonia	98.50%	92.75%	31.50%	35.25%	61.00%	71.50%
TVP S.A.	TVP Kultura	98.50%	86.75%	23.50%	39.50%	24.50%	27.00%
Telewizja Polsat S.A.	Polsat	65.45%	64.00%	40.35%	56.00%	75.95%	84.00%
TVN Sp z o.o.	TVN	72.08%	74.93%	18.03%	22.29%	83.48%	96.83%
Polskie Media S.A.	TV 4	61.45%	52.29%	37.58%	41.87%	89.33%	86.67%
Telewizja PULS Sp z o.o.	PULS	70.10%	85.00%	56.13%	68.00%	69.48%	75.00%
Telewizja Polsat S.A.	Polsat 2	97.80%	92.00%	53.48%	72.00%	80.58%	90.80%
Telewizja Polsat S.A.	Polsat Sport	91.30%	64.00%	80.03%	26.00%	97.10%	100.00%
Telewizja Polsat S.A.	Polsat Sport 2	NO	56.00%	NO	30.00%	NO	100.00%
Telewizja Polsat S.A.	Polsat Zdrowie i Uroda	60.58%	80.00%	43.48%	64.00%	96.28%	83.00%
Telewizja Polsat S.A.	Playboy Polska	NO	NO	NO	NO	NO	NO
TVN S.A.	TVN Siedem	23.28%	25.88%	24.58%	10.31%	56.70%	49.90%
TVN S.A.	TVN MED	NO	100.00%	NO	0.00%	NO	0.00%
TVN S.A.	TVN Style	77.73%	92.23%	12.40%	27.95%	60.73%	65.75%
TVN S.A.	TVN GRA	NO	100.00%	NO	0.00%	NO	0.00%
TVN S.A.	TVN International (USA, Europe)	97.55%	90.50%	19.85%	30.09%	82.63%	75.97%
TVN-24 Sp z o.o.	TVN 24	100.00%	100.00%	0.08%	0.00%	0.00%	0.00%
TVN-24 Sp z o.o.	TVN Meteo	100.00%	100.00%	2.48%	0.00%	0.00%	0.00%
TVN Turbo Sp z o.o.	TVN Turbo	91.15%	96.45%	63.70%	75.58%	80.45%	97.00%

Canal+Cyfrowy Sp. z o.o.	Canal+Polska	44.33%	48.52%	34.73%	33.39%	77.65%	74.51%
Canal+Cyfrowy Sp. z o.o.	Canal+Polska Żółty	44.78%	48.35%	36.80%	33.26%	76.33%	78.09%
Canal+Cyfrowy Sp. z o.o.	Canal+Polska Niebieski Sport	61.90%	64.27%	14.95%	17.95%	83.65%	87.57%
Canal+Cyfrowy Sp. z o.o.	Ale Kino	50.13%	46.45%	45.58%	39.28%	16.50%	21.61%
Canal+Cyfrowy Sp. z o.o.	Zig Zap	54.55%	47.72%	36.45%	21.77%	57.85%	76.35%
Canal+Cyfrowy Sp. z o.o.	Mini Mini	49.45%	58.40%	40.80%	46.35%	27.20%	37.38%
Canal+Cyfrowy Sp. z o.o.	PLANETE	82.65%	73.13%	51.95%	52.09%	37.15%	71.39%
Fundacja LUX Veritatis	TRWAM	94.05%	86.75%	15.80%	10.26%	88.80%	100.00%
Wyższa Szkoła Społeczno-Ekonomiczna	EDUSAT	100.00%	94.00%	5.00%	2.80%	25.00%	100.00%
Fundacja Innowacja	EDUSAT BIS	100.00%	87.00%	5.00%	4.50%	25.00%	75.00%
Fundacja Innowacja	EDUSAT BIS 2	NO	89.99%	NO	16.46%	NO	100.00%
Kino Polska TV Sp. z o.o.	Kino Polska	100.00%	100.00%	83.08%	83.93%	5.50%	2.41%
4fun.tv SA	4fun.tv	74.85%	100.00%	56.43%	0.00%	77.38%	0.00%
Antel Sp z o.o.	Tele 5	42.93%	38.00%	15.28%	6.00%	34.40%	57.00%
Media Biznes Sp. z o.o.	TV Biznes	95.50%	100.00%	25.55%	30.00%	40.98%	100.00%
TELESTAR Sp z o.o.	iTV	99.73%	100.00%	4.45%	18.00%		100.00%
International Movie Productions, TV Ltd	Trochę Młodsza Telewizja (TMT)	48.90%	81.00%	0.00%	71.00%	0.00%	91.00%

SŁUŻEWIEC - Tory Wyścigów Konnych w Warszawie Sp. z o.o.	HIPIKA TV	100.00%	NO	16.05%	NO	100.00%	NO
Compliance rate (IND 3/5)		88%	89%	88%	85%		
Average % (IND 2/4/6)		80.18%	81.07%	26.66%	25.99%	52.72%	59.18%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

European works accounted for 26% of TVN 7's quarterly transmission time in 2006. According to TVN 7, the terms of its long-term licensing agreements make it difficult to achieve the target share for European works. This broadcaster informed the Polish authorities that it has, nevertheless, made an effort to increase the share of European works in its output by concluding new licensing agreements on German- and British-made series and that it has started producing television works targeted specifically at its own needs. It should be pointed out that the share of European works in TVN 7's output continued to grow steadily in 2006 compared with the previous reporting periods (26%, as against 18% in 2004 and 23% in 2005).

On Tele 5 European works accounted for 38% of quarterly transmission time in 2006. This broadcaster attributes its failure to meet the target for European works to economic factors: a small satellite broadcaster which has to compete with an ever growing number of broadcasters (especially cross-border broadcasters which are not subject to Polish law) and struggle in a fragmented advertising market cannot afford to air the required share of European works, which are more expensive than their American counterparts (particularly films which, under the terms of Tele 5's broadcasting licence, take up to 40% of its transmission time). Growing competition on the market for advertising has coincided with the expiry of short-term licensing contracts with European distributors. As a result, in order to preserve its financial stability, Tele 5 has increased the proportion of works which it purchases from American distributors, which are less expensive. Tele 5 is currently intensively seeking works from European distributors which are as cost-competitive as American productions and which provide the appropriate level of quality. Moreover, it intends to start making its own programmes again, which it significantly curtailed several years ago on financial grounds.

In 2006, shares of European programmes of less than 50% were also reported on the four channels operated by Canal + Cyfrowy Sp. z o.o., namely Canal + Polska, Canal + Polska Żółty, Ale Kino and Zig Zap, where European works accounted for between 46% and 49% of quarterly transmission time. These channels, which transmit via satellite and are available exclusively on a pay-to-view basis (encrypted broadcasts), exercise their right, under Polish law, to reduce the share of European works to 45% (see Article 15(4.3) of the Broadcasting Act and Article 2(2) of the National Broadcasting Council (KRRiT) Regulation of 4 November 2004 concerning the low share of original television works produced in the Polish language and European works). The share of European works on these channels is therefore in line with Polish law.

2. Minimum proportion of European works by independent producers (Article 5)

The share of this category of works broadcast by Tele 5 (which, as already pointed out, is a satellite broadcaster) was 6% in 2006. As with its failure to meet the required share of European works, Tele 5 attributes its failure to meet the required share of works by independent producers to its modest financial capacity.

The share of this category of works broadcast on the two educational satellite channels, EDUSAT and EDUSAT BIS, was 3% and 5% respectively in 2006; these channels mainly show live lectures by staff of the Higher School of Socio-Economic Studies (WSSE) (the broadcaster) for its external students.

The satellite channel 4fun.tv broadcast no European works by independent producers in 2006. The broadcaster explained that its failure to achieve the target stems from the interactive nature of its output, which mainly comprises videoclips, most of which are produced by independent European producers but which do not constitute independent works (they form the background for interactive chats between the channel and the viewer or part of musical works performed live with audience participation) and cannot therefore be classified as “works by independent producers”.

The specialised satellite channels TVN GRA, TVN MED, TVN 24 and TVN Meteo did not, essentially, broadcast any works by independent producers in 2006.

The absence of European works by independent producers and works produced during the last five years on TVN 24 is due to this channel’s specialised, informative/journalistic character. In addition to public information, this channel broadcasts journalistic programmes (comments on current affairs) which are produced exclusively by the broadcaster. TVN 24’s Programming Department believes that, in the case of informative and/or journalistic works, consideration should be given to lowering the required share of works by independent producers.

Similar comments apply to TVN Meteo.

TVN MED began broadcasting in the fourth quarter of 2006, which probably explains why it has not yet brought its programming into line with the requirements.

TVN GRA is a specialised channel with many interactive items, i.e. programme content which is created jointly by the viewers and broadcast live.

B) Measures taken or envisaged by the Member State

The Chairperson of the National Broadcasting Council (KRRiT) has demanded explanations from broadcasters which fail to meet the targets and has instructed them to adapt their programming to the requirements of the Act. If they continue to miss their targets, the Chairperson will take the action provided for by Polish law.

C) Further comments

TVN MED began broadcasting in the fourth quarter of 2006. The data therefore relate only to that quarter.

Hipika TV, a channel covered in the previous report, ceased broadcasting in 2006.

Local terrestrial channels (NTL Radomsko, Studio Lubań-Bolesławiec, Odra-Głogów, Legnica, Lubin, Odra-Świdnica, Wrocław, Opole, Odra-Jelenia Góra, Odra-Gorzów and Odra-Zielona Góra), which were covered in the previous report, are not covered in this one because they are operating under new concessions, are targeted exclusively at local audiences and do not form part of the national network (within the meaning of Article 9 of the Directive).

PORTUGAL

Number of channels	Reference period	Monitoring method
Total identified: 24 Covered (IND 1): 13	2005/2006	Random sampling, supplemented in specific cases by data provided by operators

PT	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
RTP, SA	RTP 1	62%	68%	16%	22%	80%	74%
RTP, SA	A 2	62%	57%	27%	29%	79%	86%
RTP, SA	RTP Internacional	94%	97%	28%	30%	91%	91%
RTP, SA	RTP África	93%	78%	14%	24%	100%	100%
RTP, SA	RTP N	85%	91%	61%	61%	82%	100%
RTP, SA	RTP Memória	85%	85%	28%	37%	EX	EX
SIC, SA	SIC	46%	51%	13%	41%	93%	96%
SIC, SA	SIC Internacional	86%	98%	60%	63%	92%	87%
SIC, SA	SIC Radical	31%	44%	8%	32%	100%	100%
SIC, SA	SIC Mulher	45%	48%	12%	7%	89%	100%
SIC, SA	SIC Comédia	22%	33%	11%	15%	100%	100%
TVI, SA	TVI	61%	63%	8%	9%	76%	88%
SPORT TV, SA	SPORT TV	EX	EX	EX	EX	EX	EX
SPORT TV, SA	SPORT TV 2	EX	EX	EX	EX	EX	EX
LISBOA TV, SA	SIC Notícias	88%	79%	22%	24%	100%	100%
LISBOA TV, SA	Canal Programação TV Cabo	EX	EX	EX	EX	EX	EX
Conteúdos, SA	Lusomundo Premium	EX	EX	EX	EX	EX	EX

Conteúdos, SA	Lusomundo Gallery	EX	EX	EX	EX	EX	EX
Conteúdos, SA	Lusomundo Action	EX	EX	EX	EX	EX	EX
Conteúdos, SA	Cine Estreia	EX	EX	EX	EX	EX	EX
Conteúdos, SA	Cine Êxitos	EX	EX	EX	EX	EX	EX
Conteúdos, SA	Cine Clássicos	EX	EX	EX	EX	EX	EX
Conteúdos, SA	Lusomundo Happy	EX	EX	EX	EX	EX	EX
Avenida, SA	Porto Canal	NO	NO	NO	NO	NO	NO
Compliance rate (IND 3/5)		69%	77%	85%	85%		
Average % (IND 2/4/6)		66.15%	68.62%	23.69%	30.31%	90.17%	93.50%

A) Reasons given by Member State for failure to achieve the proportions

See below under (C).

B) Measures taken or envisaged by the Member State

See below under (C).

C) Further comments

1. Introduction

In accordance with Article 4(3) of the Directive, the Portuguese authorities submitted the following report for 2005 and 2006:

The criteria set out in “Suggested new guidelines for monitoring application of Articles 4 and 5 of the Television without Frontiers Directive” (Annex 1 to document COM(2000) 442 final of 17 July 2000)⁴⁵ have been applied.

The percentages presented for assessing the performance of television operators in relation to Articles 4 and 5 of the Directive were based on sampling, in some cases supplemented by, and checked against, information supplied by the operators themselves.

⁴⁵ Fourth Communication from the Commission to the Council and the European Parliament on the application of Articles 4 and 5 of Directive 89/552/EEC “Television without Frontiers” for 1997 and 1998.

This report comments on each operator's performance and, where applicable, states the measures adopted or planned, in accordance with the Commission's above-mentioned guidelines.

2. Comments on each operator

RTP - Radio e Televisão de Portugal SGPS SA

The overall percentages achieved by the public service broadcaster show that, as in previous years, it fully complied with the programming objectives laid down in Articles 4 and 5 of the Directive. Moreover, looking at each channel individually — and bearing in mind that RTP Memória is required to observe only the percentages laid down in Article 4 of the Directive and not those set in Article 5⁴⁶ — all the channels operated by RTP achieved and, in most cases, were well above the percentages applicable.

SIC - Sociedade Independente de Comunicação SA

Regarding European works, in 2005 the following channels did not meet the objectives laid down in Article 4 of the Directive: SIC (general interest), SIC Radical, SIC Mulher and SIC Comédia. The general interest programme did, however, achieve the percentages applicable in 2006, when only the thematic channels SIC Radical, SIC Mulher and SIC Comédia failed to comply. The percentage of European productions broadcast by these three channels rose between 2004 and 2006, particularly in the cases of SIC Radical (from 31% in 2004 to 44% in 2006) and SIC Comédia (from 24% to 33%).

It should be added that European works accounted for 46% of the total broadcast by SIC - Sociedade Independente de Comunicação SA in 2005, a figure very close to the percentage required, and rose to 54.8% in 2006, fully meeting the objectives applicable.

In the case of independent works and recent works, SIC Radical failed to satisfy the requirements of Article 5 of the Directive in 2005 and SIC Mulher in 2006. For SIC as a whole, however, the percentages achieved were well above those laid down in Article 5 of the Directive, both in 2005 and 2006.

TVI - Televisão Independente SA

During the period under review, TVI exceeded the percentages laid down in Article 4 of the Directive for European works. In the case of independent works there was a marked downturn which, in the final analysis, led to failure to observe Article 5 of the Directive. This was because TVI had acquired the companies which in earlier years had accounted for the bulk of the independent works it had broadcast.

Lisboa TV - Informação e Multimédia SA

Although SIC Notícias specialises in broadcasting news and, for that reason, is not required to comply with any specified proportion of European works, the percentages it achieved for the rest of its programmes were well above those laid down in Articles 4 and 5 of the Directive.

⁴⁶ See the report for 2003/2004.

A new operator started broadcasting by cable and satellite in the last quarter of 2006: Porto Canal, a national, freely accessible, thematic channel similar to SIC Notícias. Since it had been operating for such a short time, no data of any significance for the purposes of this report were available.

Operators/channels exempted

Under Article 4(3) of the Directive, the requirement that Member States provide the Commission with a report every two years applies, in principle, to “each of the television programmes falling within the jurisdiction of the Member State concerned”. In order to clarify certain concepts in the Directive and thereby avoid any differences in interpretation and application, the Commission has already specified, in apparently categorical terms, the exceptions to this requirement. In practice, however, the Commission also tends towards flexibility and reasonableness, as has already been pointed out by the Portuguese authorities. Consequently, bearing in mind that the central objective of Chapter III of the Directive is to ensure development and use of *creative* European works, the Portuguese authorities believe that, in addition to the exemptions allowed by the Commission, other exceptions to Articles 4 and 5 of the Directive should clearly be granted for certain television services under Portuguese jurisdiction, *inter alia* on account of their specific nature, as already described in the 2001/2002 and 2003/2004 reports.

The services concerned are listed below. Compared with the previous reporting period, TV Medicina/TV Saúde, TVI Eventos and SMS TV have ceased to broadcast, whereas Sport TV 2, Cine Estreia, Cine Êxitos and Cine Clássico have started transmissions. Sport TV 2 is a service identical to Sport TV, already described in previous reports. Cine Estreia, Cine Êxitos and Cine Clássico transmit on a pay-per-view basis and share the same characteristics as Lusomundo Premium, Gallery, Action and Happy (see the 2003/2004 report). The only difference is the type of films on offer.

3. Final observations

As shown above, for television operators under Portuguese jurisdiction, during the reference period the failure to meet the programme objectives laid down in Articles 4 and 5 of the Directive was limited to TVI - Televisão Independente SA (for independent productions). It should be pointed out that in 2005 SIC - Sociedade Independente de Comunicação SA did not achieve the percentages specified in Article 4 of the Directive but that in 2006, in spite of three of its thematic channels again failing to attain those percentages, SIC - Sociedade Independente de Comunicação as a whole did comply. Lastly, the targets for SIC Radical and SIC Mulher were not met in 2005 and 2006, but the operator as a whole was well above the percentages set.

The Portuguese authorities take the view that these are, on the whole, good results. As regards the occasional shortcomings noted — and although the situation will continue to be closely monitored as part of an ongoing dialogue with all television operators — the Portuguese authorities prefer not to impose penalties, as they are aware that such measures may well have adverse effects on the operators and might possibly run counter to the objectives of the Directive.

List of television operators/programme services considered:

RTP - Radiotelevisão Portuguesa, SA

1	RTP1	Gen, Ncond, Nac, Hrtz+Cb+Sat
2	A 2	Gen, Ncond, Nac, Hrtz+Cb+Sat
3	RTP Internacional	Gen, Ncond, Int, Cb+Sat
4	RTP África	Gen, Ncond, Int, Cb+Sat
5	RTP N	Tem, Ncond, Nac, Cb+Sat
6	RTP Memória	Tem, Ncond, Nac, Cb+Sat

SIC - Sociedade Independente de Comunicação, SA

7	SIC	Gen, Ncond, Nac, Hrtz+Cb+Sat
8	SIC Internacional	Gen, NCond, Int, Sat
9	SIC Radical	Gen, Ncond, Nac, Cb+Sat
10	SIC Mulher	Tem, Ncond, Nac, Cb+Sat
11	SIC Comédia	Tem, Ncond, Nac, Cb+Sat

TVI - Televisão Independente, SA

12	TVI	Gen, Ncond, Nac, Hrtz+Cb+Sat
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Lisboa - TV - Informação e Multimédia, SA

13	SIC Notícias	Tem, Ncond, Nac, Cb+Sat
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Avenida dos Aliados-Sociedade de Comunicação, SA

14	Porto Canal	Tem, Ncond, Nac, Cb+Sat
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List of programme services exempted in the reporting period

Canal Programação TV Cabo	Tem, Ncond, Nac, Cb+Sat
Canal Parlamento	Tem, Ncond, Nac, Cb+Sat
Lusomundo Premium	Tem, Cond, Nac, Cb+Sat
Lusomundo Gallery	Tem, Cond, Nac, Cb+Sat
Lusomundo Action	Tem, Cond, Nac, Cb+Sat
Lusomundo Happy	Tem, Cond, Nac, Cb+Sat
Cine Estreia	Tem, Cond, Nac, Cb+Sat
Cine Êxitos	Tem, Cond, Nac, Cb+Sat
Cine Clássico	Tem, Cond, Nac, Cb+Sat
Sport TV	Tem, Cond, Nac, Cb+Sat
Sport TV 2	Tem, Cond, Nac, Cb+Sat
RTP Memória (in part)	Tem, Ncond, Nac, Cb+Sat

Key:

Tem	Thematic	Int	International coverage
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Gen	General interest	Cb	Cable
Cond	Conditional access	Sat	Satellite
Ncond	Non-conditional access	Hrtz	Free-to-air
Nac	National coverage		

SLOVENIA

Number of channels	Reference period	Monitoring method
Total identified: 60 Covered (IND 1): 27	2005/2006	Annual reports by broadcasters

SI	MS	EW (%TQT)		IP (%TQT)		RW (%IP)			
		Broadcaster	Channel	2005	2006	2005	2006	2005	2006
		Kanal A d.o.o.	Kanal A	42.50%	45.00%	10.20%	11.20%	98.1%	97.80%
		PRO PLUS d.o.o.	POP TV	48.70%	49.50%	7.60%	10.60%	86.50%	91.40%
		RTV Slovenija	RTVSLO	57.00%	53.70%	10.00%	10.00%	84.00%	86.00%
		TV 3 d.o.o.	TV 3	15.00%	53.49%	8.00%	11.79%	100.00%	6.00%
		Kabelska televizija Ormož	KABELSKA TELEVIZIJA ORMOŽ	EX	EX	EX	EX	EX	EX
		Čarli televizijska dejavnost, d.o.o.	Čarli TV	40.00%	30.00%	44.00%	NC	NC	NC
		Domates d.o.o.	Sponka.tv	NO	NO	NO	NO	NO	NO
		Videoprodukcija Martin Ivanuša s.p.	TELEVIZIJA PTUJ	EX	EX	EX	EX	EX	EX
		VTV Studio, d.o.o.	VAŠA TELEVIZIJA (VTV)	NC	NC	NC	NC	NC	NC
		NAKLO d.o.o.	TV LEP LOGATEC	NC	10.00%	NC	NC	NC	NC
		VA VIDEO AUDIO FILM d.o.o. Nova Gorica	TV PRIMORKA	NC	NC	NC	NC	NC	NC

TELE 59 d.o.o.	RTS	90.00%	90.00%	2.00%	5.00%	NC	NC
HI-FI Videostudio d.o.o.	TV AS	NC	NC	NC	NC	NC	NC
NEVIODUN UM, zavod za kulturo in odnose z javnostmi, Krško	TV KRŠKO	EX	EX	EX	EX	EX	EX
MOJ TV d.o.o.	MOJ TV	NC	NC	NC	NC	NC	NC
ATV BABNIK & CO d.n.o. Litija	ATV SIGNAL LITIJA	9.00%	NC	4.00%	NC	NC	100.00%
SKYLINE d.o.o. LJUBLJANA	STUDIO SIGNAL	99.00%	96.00%	71.00%	77.00%	3.00%	7.00%
Zavod TV Galeja Ilirska Bistrica	TV GALEJA	EX	EX	EX	EX	EX	EX
Televizija Novo mesto d.o.o.	Vaš kanal	EX	EX	EX	EX	EX	EX
AVDIO VIDEO SIGNAL, Zorc Miran s.p.	TV GROSUPLJE	EX	EX	EX	EX	EX	EX
MEDIA TEAM Timotej Pečoler s.p. (Primož na Pohorju 73, Vuzenica)	TV PROMETEJ	EX	EX	EX	EX	EX	EX
Vigred d.o.o.	TV Krpan Laško	EX	EX	EX	EX	EX	EX
TV CELJE d.o.o.	TELEVIZIJA CELJE	23.00%	73.00%	3.00%	14.00%	76.00%	NC

TV IDEA - KANAL 10, d.o.o.	KANAL 10	NC	16.00%	NC	1.00%	NC	1.00%
Televideo d.o.o. Ljubljana	TV PIKA	27.00%	32.00%	10.00%	18.00%	15.00%	18.00%
NET TV, podjetje za proizvodnjo, trgovino in storitve, d.o.o.	NET TV	21.00%	27.00%	16.00%	22.00%	16.00%	22.00%
STUDIO FORMA Samo Sadnik s.p. (stalno bivališče: Gubčeva 8, 3310 Žalec)	SAVINJSKA TELEVIZIJA	EX	EX	EX	EX	EX	EX
Zavod Kabelska televizija Medvode	TELEVIZIJA MEDVODE	EX	EX	EX	EX	EX	EX
LOKA TV, d.o.o.	DEŽELNA TELEVIZIJA LOKA	EX	EX	EX	EX	EX	EX
TELE-TV d.o.o.	GORENJSKA TELEVIZIJA — GTV	21.00%	22.00%	7.00%	9.00%	76.00%	85.20%
Video Studio 90 - kanal 3, Edšidt Olga, s. p.	KANAL 3 APAČE	EX	EX	EX	EX	EX	EX
ATM Elektronik d.o.o.	ATM TV Kranjska Gora	EX	EX	EX	EX	EX	EX
TELEFILM, Silvo Lešnik, s.p.	TELEVAL	EX	EX	EX	EX	EX	EX
TV STUDIO RADGONA - KANAL 11, Jože Čosič s.p.	TV STUDIO RADGONA — KANAL 11 (TV SRK -11)	EX	EX	EX	EX	EX	EX
VI-TEL d.o.o.	VITEL	EX	EX	EX	EX	EX	EX

EURO 3 TV, d.o.o., Ljubljana	EPTV	42.00%	45.00%	10.00%	11.00%	86.00%	98.00%
JTV d.o.o.	TELEVIZIJA ŠIŠKA	EX	EX	EX	EX	EX	EX
AB VIDEO PROD- UKCIJA, Anton Berakovič s.p.	LOKALNA TV TRBOVLJE	EX	EX	EX	EX	EX	EX
Občina Miklavž na Dravskem polju	Lokalna televizija občine Miklavž na Dravskem polju/TVM Miklavž	EX	EX	EX	EX	EX	EX
ORON Zavod za obveščanje, raziskovanje, organiziranje in načrtovanje	Televizijski kanal Loška dolina	EX	EX	EX	EX	EX	EX
J&V d.o.o.	TELEVIZIJA LJUBLJANA	EX	EX	EX	EX	EX	EX
PRIVAT d.o.o.	TV PAPRIKA	NC	100.00%	NC	NC	NC	NC
EVJ Elektroprom d.o.o.	ETV	95.00%	100.00%	12.00%	14.00%	12.00%	14.00%
AJKOM d.o.o.	TV Plus	EX	EX	EX	EX	EX	EX
KTV Dravograd d.o.o.	Koroška TV Dravograd	EX	EX	EX	EX	EX	EX
NET TV, podjetje za proizvodnjo, trgovino in storitve, d.o.o.	NET XXL	EX	EX	EX	EX	EX	EX
Kabelska produkcija, družba za radijsko in televizijsko produkcijo	i-TV	62.00%	67.00%	27.00%	32.00%	NC	NC

d.o.o.							
Zavod za kablensko televizijo in informiranje Slovenska Bistrica	Studio Bistrica	EX	EX	EX	EX	EX	EX
Prospera d.o.o.	TV Petelin	EX	EX	EX	EX	EX	EX
UPC d.o.o.	Play TV	54.00%	64.00%	54.00%	64.00%	NC	NC
Veselič Branko, s. p.	Skupni televizijski program občin Destričnik, Dornava, Gorišnica in Markovci-skupni program	EX	EX	EX	EX	EX	EX
Top RTV, Alenka Camlek, s.p.	Top RTV	EX	EX	EX	EX	EX	EX
MTV Adria, d.o.o.	MTV Adria	58.00%	62.00%	NC	NC	NC	NC
Čarli televizijska dejavnost, d.o.o.	Golica TV	EX	EX	EX	EX	EX	EX
ASPN, storitveno podjetje d.o.o.	Šport klub	EX	EX	EX	EX	EX	EX
Koroška regionalna televizija družba za medijsko in propagandno dejavnost, d.o.o.	Koroška regionalna televizija	EX	EX	EX	EX	EX	EX
Kablensko-komunikacijski sistem "KKS Ptuj", d.d.	PeTV	NC	NC	NC	NC	NC	NC
M 1, podjetje za trgovino,	Vreme TV	EX	EX	EX	EX	EX	EX

storitve in proizvodnjo, d.o.o.							
Slovenija Online - SiOL Internet, d.o.o.	Planet TV	NC	NC	NC	NC	NC	NC
R Kanal +, d.o.o.	TV R Kanal +	NC	10.00%	NC	10.00%	NC	100.00%
Compliance rate (IND 3/5)		30%	41%	37%	48%		
Average % (IND 2/4/6)		47.31%	52.28%	18.49%	20.04%	55.45%	55.88%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

The provision of the Mass Media Law which implements the Directive states that broadcasters which fail to achieve the proportions of European works should increase the proportion of these works each year in comparison with the proportion of transmission time in the previous year and that the minimum initial proportion must be twenty per cent of the annual transmission time. The Mass Media Law entered into force in 2001 and was revised in 2006. The transitional period for the quota system expired at the end of 2002. The Slovenian authorities expect that all the broadcasters should be able to fulfil the programme quotas soon. There are two (public tender) mechanisms aimed at helping broadcasters to achieve this programme quota.

2. Minimum proportion of European works by independent producers (Article 5)

See above.

An additional reason could be the small production capacity of the audiovisual sector in Slovenia, where programmes by independent producers still cost broadcasters more than other programmes. Slovenia did not join the Community Media Plus programme until March 2003, but it is expected to have positive results in terms of TV programmes too.

B) Measures taken or envisaged by the Member State

Two public tenders are aiming at helping broadcasters to fulfil the programme quotas. The first is a public tender for media content. The second, issued annually since 2002, is a public tender for European audiovisual works of artistic value. The applicants for this tender are independent producers and television broadcasters. The eligible programmes are TV drama, drama series, documentaries, etc.

C) Further comments

Sixty broadcasters are registered in Slovenia, but only a few of them play an important role in the media. These channels achieved an audience share of 66.9% in 2006. The rest of the broadcasters target the local audience and, together, achieved 18.6%. Croatian TV stations

took 5.6%. In 2005 only one of the main broadcasters failed to achieve the programme quotas specified in Articles 4 and 5 of the Directive. That particular broadcaster has undergone significant changes in its ownership, which have increased the proportion of European works.

SLOVAK REPUBLIC

Number of channels	Reference period	Monitoring method
Total identified and covered (IND 1): 3	2005/2006	Collection of data from broadcasters

SK	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
Markiza s.r.o.	TV Markiza	61.00%	57.60%	34.30%	42.50%	100.00%	100.00%
Slovak Television	STV	68.50%	75.80%	23.00%	21.90%	100.00%	100.00%
MAC-TV s.r.o.	TV JOJ	61.90%	53.40%	18.89%	13.62%	100.00%	100.00%
Compliance rate (IND 3/5)		100%	100%	100%	100%		
Average % (IND 2/4/6)		63.80%	62.27%	25.40%	26.01%	100.00%	100.00%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

In the reference period, all the broadcasters concerned exceeded the proportion of transmission time laid down in Article 4 of the Directive.

2. Minimum proportion of European works by independent producers (Article 5)

The broadcasters reported difficulties in determining the programmes created by independent European producers.

In the reference period, both the private broadcasters (TV Markiza and TV JOJ) managed to stabilise their average annual proportion of works by independent producers at above 10%, as required by law.

In the same period the public broadcaster, Slovak Television, achieved an average proportion of independent works above 20%, as required by law for public channels.

B) Measures taken or envisaged by the Member State

The Slovak Broadcasting Council has commenced legal proceedings against the private broadcaster MAC TV s.r.o. (the owner of the channel TV JOJ) for not reserving at least 50% of its transmission time for European works in July, August and December 2006.

For the same reason, the Slovak Broadcasting Council has also commenced legal proceedings against the broadcaster Markiza — Slovakia s.r.o. (the owner of the channel TV Markiza) which failed to reserve a majority proportion of its transmission time for European works in December 2006. These legal proceedings have not yet been concluded.

Nevertheless, as an annual average — both in 2005 and in 2006 — each of the three broadcasters concerned reserved a majority proportion of its transmission time for European works.

C) Further comments

Act No 308/2000 (Article 23(1)) places an obligation on all broadcasters, except local ones whose services are not part of a network (Article 28), to reserve a majority of their broadcasts for European works. All broadcasters are under an obligation to keep statistics on their broadcasts. These statistics contain an analysis of the shares of each type of programme, of European productions and of programmes by European independent producers. Broadcasters must deliver the statistics on the programme schedule for each calendar month to the Slovak Broadcasting Council within 15 days of the end of the month. Broadcasters with a licence to broadcast on satellite and cable networks and broadcasters of encrypted and digital programmes must also deliver these statistics within 15 days of the Broadcasting Council's request. One of the tasks of the Slovak Broadcasting Council is to compile statistics on programmes broadcast, particularly on European works and independent productions based on broadcasters' data. The Broadcasting Council evaluates the data quarterly.

The statement shows that the same share is allocated to European works made by independent producers and to recent European works. This is because, under Slovak law, each broadcaster must achieve the proportion of broadcasting time allocated to European works made by independent producers by earmarking an adequate proportion for recent works. Works are considered new if they are transmitted within five years of production.

FINLAND

Number of channels	Reference period	Monitoring method
Total identified: 11 Covered (IND 1): 9	2005/2006	Questionnaire

FI	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
Yleisradio	TV1	89%	88%	28%	25%	50%	50%
	TV2	80%	80%	27%	28%	50%	50%
	YLE Teema	86%	85%	48%	43%	50%	50%
	FST-D	91%	92%	25%	29%	50%	50%
MTV Oy	MTV3	49%	46%	27%	26%	90%	96%
SW Television Oy	Nelonen	51%	54%	36%	44%	100%	100%
Subtv Oy	Subtv	18%	19%	8%	12%	95%	95%
TV5 Finland Oy	The Voice	100%	100%	100%	100%	100%	100%
TV4 Ab	TV4	60%	62%	98%	99%	100%	100%
Yleisradio	YLE24	EX	EX	EX	EX	EX	EX
Suomen Urheilutelevisio Oy	Urheilukana va	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		78%	78%	89%	100%		
Average % (IND 2/4/6)		69.33%	69.56%	44.11%	45.11%	76.11%	76.78%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

Finland has not failed to achieve this target. Only one channel, Subtv, has a rate clearly below the 50% required.

Subtv's explanation of its inability to meet the quotas and of its plans to remedy the situation is:

“Because there is a time lag before new items can be included in the programming, we did not really have time to influence the selection of programmes for 2006. Firstly, the reason for the small quantity of programmes by European, and therefore also by independent, producers has been the limited supply: there have been very few programmes available addressed to Subtv’s main target group that have been both commercially interesting and attractive to viewers. Secondly, the price of a high-quality domestic programme per hour is many times higher than the hourly price of a foreign programme (while the programme budget is low due to the poor income flow).”

B) Measures taken or envisaged by the Member State

The following steps have been taken by the broadcaster:

- In 2006, the amount of domestic programmes was increased by 30 hours (in comparison with 2005).
- The amount of British programmes was increased by more than 80 hours (from 2005 to 2006).
- The main focus of the Love & Anarchy film series has been on European works.
- The documentary slot (Sundays at 10 p.m.) has featured European documentaries only.

Subtv is systematically working towards increasing the amounts. The purchasing department for foreign programmes has acquired more European programmes, including from independent producers. The international markets have been prospected, for example in Southern Europe. A pet reality show, Top Dog, was acquired from an independent Swedish producer. In the autumn, in addition to Big Brother and other popular shows, two entirely new domestic shows will be launched. They will also be re-run as much as possible.

There will always be a delay before the effects of purchasing activities are seen in the programming, but Subtv’s aim is to meet the quotas for European and independent producers gradually in 2008.

C) Further comments

TV4 Ab is a broadcaster based in Finland but which directs its programmes to Sweden only.

SWEDEN

Number of channels	Reference period	Monitoring method
Total identified: 33 Covered (IND 1): 24 (2005); 32 (2006)	2005/2006	Statements from programme companies concerned

SE	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Sveriges Television (SVT)	SVT1	83.00%	83.00%	21.00%	19.00%	54.00%	62.00%
SVT	SVT2	87.00%	83.00%	17.00%	20.00%	85.00%	80.00%
SVT	Barnkanalen	65.00%	56.00%	31.00%	48.00%	37.00%	41.00%
SVT (40%)	Kunskapskanalen	90.00%	87.00%	26.00%	27.00%	55.00%	80.00%
Utbildningsradion (UR)	UR	94.00%	92.00%	20.00%	18.50%	100.00%	100.00%
TV4 AB	TV4	61.46%	66.65%	61.46%	66.65%	90.00%	90.00%
TV4 AB	TV4 Plus	53.11%	58.40%	53.11%	58.40%	70.00%	70.00%
TV4 AB	TV400	40.36%	40.04%	40.36%	40.04%	70.00%	70.00%
TV4 AB	TV4 Film	30.84%	29.27%	30.84%	29.27%	0.00%	0.00%
TV4 AB	TV4 Komedi	NO	33.03%	NO	33.03%	NO	0.00%
TV4 AB	TV4 Guld	NO	24.31%	NO	24.31%	NO	0.00%
C More Entertainment AB (Cmore)	Canal+/Mix	34.00%	22.00%	80.00%	80.00%	80.00%	80.00%
Cmore Ent.	C+ Film 1	37.00%	29.00%	80.00%	80.00%	80.00%	80.00%
Cmore Ent.	C+ Film 2	31.00%	26.00%	80.00%	80.00%	80.00%	80.00%
Cmore Ent.	C+ Film 3	31.00%	23.00%	80.00%	80.00%	80.00%	80.00%
Cmore Ent.	Film HD	NO	14.00%	80.00%	80.00%	80.00%	80.00%
Cmore Ent.	Cmore 1	24.00%	17.00%	80.00%	80.00%	80.00%	80.00%

Cmore Ent.	Cmore 2	24.00%	12.00%	80.00%	80.00%	80.00%	80.00%
TV1000 AB	TV 1000 Family	33.00%	20.00%	100.00%	100.00%	65.00%	50.00%
TV1000 AB	TV1000 Nordic	100.00%	100.00%	100.00%	100.00%	45.00%	40.00%
TV1000 AB	TV1000 Sverige	22.00%	25.00%	100.00%	100.00%	80.00%	100.00%
TV1000 AB	TV1000 Action	19.00%	10.00%	100.00%	100.00%	95.00%	90.00%
TV1000 AB	TV1000 Classic	42.00%	10.00%	100.00%	100.00%	5.00%	0.00%
Axess TV	Axess TV	NO	58.00%	NO	11.00%	NO	4.00%
Kristen TV i Sverige AB	Kanal 10	NO	78.20%	NO	66.00%	NO	40.00%
NonStop Television 1.0 AB	Star!	EX	EX	EX	EX	EX	EX
NonStop Television 2.0 AB	Showtime	10.70%	11.70%	10.70%	11.70%	46.00%	40.00%
NonStop Television 4.0 AB	Silver	NO	47.60%	NO	47.60%	NO	31.40%
Three Angels Lifestyle Television, Insamlingsstiftelse	LifeStyleTV	NO	34.00%	NO	13.00%	NO	13.00%
Viasat Pay Channel AB (formerly TV6 Sverige AB)	Viasat Nature/crime	63.00%	66.00%	0.00%			
Aftonbladet TV AB	Aftonbladet TV7	NO	73.00%	NO	0.00%	NO	
Di TV AB	Di TV	50.00%	25.00%	0.00%	0.00%		
Big Brother KB	Big Brother Live	100.00%	100.00%	EX	EX	EX	EX
Compliance rate (IND 3/5)		46%	41%	92%	94%		
Average % (IND 2/4/6)		51.06%	45.44%	57.14%	53.12%	66.23%	55.76%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

TV4 AB stated that the TV400 channel was not launched until 2005 and is therefore still under construction. The proportion of European programmes is gradually increasing and the requirement under Article 4 is expected to be met in 2007 by increasing purchases from other European countries. TV4 Film is a channel specialising in feature films and “modern classics” and reflects what has been on offer in cinemas. A number of large-scale purchases of Scandinavian, especially Swedish, programmes were made in 2006, to be broadcast in 2006–2011.

NonStop Television AB purchased more European material in 2006 for its channels Showtime and Silver.

Three Angels Lifestyle is a channel under construction with a Christian outlook. The company states that there are not enough European programmes in line with its focus. Its own production is increasing steadily in order to raise the channel’s proportion of Scandinavian programmes.

TV1000 AB states that the Family and Nordic channels are intended to be Scandinavian channels with a number of European programmes.

2. Minimum proportion of European works by independent producers (Article 5)

A number of very small niche channels produce all their material themselves and sometimes have neither the means nor the possibility of turning to independent producers.

Aftonbladet TV7 is a channel under construction focusing on different types of news programmes. The remainder of its programmes are mainly self-produced magazines.

Di TV AB states that the low figures for 2006 reflect a low proportion during spring 2006, whereas the figures for autumn 2006 exceeded 50%. NonStop Television AB stated that the company purchased more European material in 2006 but is continuously looking for suitable locally produced programmes.

B) Measures taken or envisaged by the Member State

The method of collecting statistics on programmes has been reviewed by the authority in charge of reporting statistical data from companies. Discussions have been held with the programme companies on the basis of the data submitted.

C) Further comments

SVT/UR: Kunskapskanalen is operated jointly by SVT (40% of broadcasting time) and UR (60%).

UR (Utbildningsradion — Educational Radio) is a public-service enterprise operating with the permission of the government. It does not have its own channel. It broadcasts not only on the Kunskapskanalen but also on SVT1 and SVT2. Therefore, there are no separate audience-share figures for UR. They are included in SVT’s audience shares for SVT1, SVT2 and Kunskapskanalen.

A number of channels that have indicated low audience shares or none at all did not start broadcasting until late 2006.

A large number of feature-film channels broadcast in Sweden. For the purposes of this report, they are classified as niche channels.

Two channels have been exempted since it was considered not “practically possible” for them to meet the requirements under Articles 4 and 5.

- NonStop Television 2.0 AB: The Star! channel broadcasts only programmes about the Hollywood entertainment industry and reports on American stars and productions. It is not possible in practice for any such channel to contain anything but a very large majority of US-produced programmes.
- Big Brother KB broadcast its reality show Big Brother Live for only a few months in spring 2005 and 2006, 24 hours a day. There was therefore no scope for the channel to have any independent productions, since it broadcast just a single production.

UNITED KINGDOM

Number of channels	Reference period	Monitoring method
Total identified: 345	2005/2006	Survey
Covered (IND 1): 274 (2005); 342 (2006)		

UK	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
12 000 Feet Limited	France 24	NO	100%	NO	100%	NO	100%
4 Ventures Ltd	E4	66%	70%	62%	68%	99%	100%
4 Ventures Ltd	Film 4	38%	43%	8%	9%	35%	20%
4 Ventures Ltd	Film Four Weekly	36%	31%	14%	7%	38%	48%
4 Ventures Ltd	More 4	66%	56%	39%	39%	90%	90%
African Broadcasting	Bright Entertainment	NC	NC	NC	NC	NC	NC
Al Shirkatul Islamiyyah	Muslim TV Ahmadiyya International	62%	64%	4%	7%	100%	98%
Arts and Entertainment	Performance Channel	55%	56%	31%	21%	20%	17%
AXN Europe Limited	AXN	9%	9%	6%	4%	100%	100%
AXN Europe Limited	AXN (Italy)	0%	1%	0%	1%	0%	100%
AXN Europe Limited	AXN Crime	NO	9%	NO	4%	NO	100%
AXN Europe Limited	AXN Sci-Fi	NO	9%	NO	4%	NO	100%
AXN North Europe	AXN (Germany, Switzerland, Austria)	0%	1%	0%	1%	0%	100%
Baby Network Ltd	Baby TV	0%	0%	0%	0%	0%	0%
Baltic Media Alliance	REN TV (Baltic version)	NO	23%	NO	5.01%	NO	100%
Bang Channels Limited	Turn on TV 2	NO	100%	NO	25.51%	NO	100%

Bang Media (London)	Turn on TV	NO	100%	NO	9%	NO	100%
BBC	BBC 1	82%	79%	24%	27%	97%	99%
BBC	BBC 2	85%	84%	26%	21%	91%	91%
BBC	BBC 3	90%	93%	29%	31%	96%	100%
BBC	BBC 4	93%	95%	26%	20%	96%	98%
BBC	BBC News 24	89%	96%	26%	21%	100%	100%
BBC	CBBC	89%	84%	18%	20%	99%	92%
BBC	CBeebies	97%	96%	40%	40%	100%	77%
BBC World Limited	BBC World	99%	98%	25%	72%	99%	98%
BBC Worldwide Limited	BBC Food	68%	61%	11%	14%	80%	81%
Box TV Ltd	Kerrang	29%	37%	18%	28%	45%	85%
Box TV Ltd	Kiss	21%	28%	8%	20%	98%	98%
Box TV Ltd	Magic	47%	61%	35%	53%	27%	44%
Box TV Ltd	Q	57%	61%	49%	53%	73%	84%
Box TV Ltd	Smash Hits	48%	68%	38%	60%	83%	82%
Box TV Ltd	The Box	50%	66%	39%	57%	94%	100%
Box TV Ltd	The Hits	56%	66%	44%	59%	66%	99%
Broadcasting (Gaia)	100% Babes	39%	34%	39%	33%	100%	100%
Broadcasting (Gaia)	Amateur Babes	100%	100%	100%	100%	86%	91%
Broadcasting (Gaia)	XXX TV	13%	19%	13%	19%	100%	100%
Broadcasting (UK) Limited	Hustler TV UK	31%	33%	31%	30%	100%	100%
BSkyB	18 Plus Movies	6%	14%	6%	14%	44%	28%
BSkyB	Sky Arts	91%	51%	72%	47%	17%	35%
BSkyB	Sky Arts HD	NO	51%	NO	47%	NO	35%
BSkyB	Sky Box Office	14%	12%	5%	6%	86%	100%
BSkyB	Sky Movies Action/Thriller	5%	10%	2%	5%	58%	67%

BSkyB	Sky Movies Comedy	11%	6%	4%	3%	64%	68%
BSkyB	Sky Movies Premier	20%	15%	9%	8%	30%	38%
BSkyB	Sky One	27%	27%	17%	19%	97%	97%
BSkyB	Sky Sports 1	76%	83%	20%	23%	100%	100%
BSkyB	Sky Sports 2	70%	70%	40%	49%	100%	100%
BSkyB	Sky Sports 3	74%	76%	55%	63%	100%	100%
BSkyB	Sky Sports Extra	77%	72%	55%	58%	100%	100%
BSkyB	Sky Sports HD	NO	83%	NO	23%	NO	100%
BSkyB	Sky Sports HD 2	NO	83%	NO	23%	NO	100%
BSkyB	Sky Three	67%	71%	49%	53%	87%	88%
BSkyB	Sky Travel	71%	72%	42%	54%	69%	71%
BSkyB	Sky Two	36%	35%	21%	20%	99%	96%
BSkyB	Sky Venue	100%	100%	0%	0%	0%	0%
Business News (Europe) Partnership	CNBC Europe	30%	49%	24%	16%	100%	100%
Business News (Europe) Partnership	CNBC Europe (Central)	35%	20%	34%	19%	100%	100%
Carnaby Media plc	Rockworld	NO	100%	NO	0%	NO	0%
Channel 4 Television	Channel 4	71%	71%	69%	50%	82%	84%
Channel M TV Ltd	Channel M TV for Manchester	NO	83.33%	NO	0%	NO	0%
Chart Show Channels Ltd	B4	100%	100%	96%	95%	100%	100%
Chart Show Channels Ltd	Bliss	100%	100%	0%	97%	0%	70%
Chart Show Channels Ltd	Chart Show TV	100%	100%	96%	96%	100%	95%
Chart Show Channels Ltd	Flaunt	100%	100%	0%	97%	0%	95%
Chart Show Channels Ltd	POP	41%	32%	15%	27%	0%	0%
Chart Show Channels Ltd	Scuzz	100%	100%	0%	94%	0%	95%
Chart Show Channels Ltd	The Vault	100%	100%	96%	96%	70%	60%

Chart Show Channels Ltd	Tiny Pop	34%	21%	7%	16%	0%	0%
Chelsea Digital Media	Chelsea TV	100%	100%	100%	100%	100%	100%
Connection Makers	Babeworld TV	100%	100%	100%	100%	17%	100%
Definition Consultants	Classic FM TV	95%	100%	94%	98%	100%	100%
Discovery Communications Europe Ltd	Animal Planet (Europe)	62%	69%	14%	15%	81%	73%
Discovery Communications Europe Ltd	Animal Planet (Italy)	38%	56%	4%	11%	100%	79%
Discovery Communications Europe Ltd	Animal Planet (Middle East)	NO	69%	NO	15%	NO	99%
Discovery Communications Europe Ltd	Animal Planet (UK)	NO	65%	NO	12%	NO	83%
Discovery Communications Europe Ltd	Discovery (Central & Eastern Europe)	49%	45%	11%	6%	88%	96%
Discovery Communications Europe Ltd	Discovery (Middle East, Africa and Turkey)	47%	45%	13%	9%	83%	81%
Discovery Communications Europe Ltd	Discovery Channel (Italy)	NO	44%	NO	7%	NO	90%
Discovery Communications Europe Ltd	Discovery Channel (UK)	NO	28%	NO	5%	NO	93%
Discovery Communications Europe Ltd	Discovery Channel (Benelux)	NO	44%	NO	5%	NO	92%
Discovery Communications Europe Ltd	Discovery Channel (Nordic)	NO	43%	NO	4%	NO	91%
Discovery Communications Europe Ltd	Discovery Channel France	42%	31%	4%	2%	96%	96%
Discovery Communications Europe	Discovery Civilisation	57%	58%	21%	12%	52%	8%

Ltd	(Europe)						
Discovery Communications Europe Ltd	Discovery Civilisation (Middle East)	NO	41%	NO	13%	NO	19%
Discovery Communications Europe Ltd	Discovery Civilisation (UK)	NO	72%	NO	16%	NO	51%
Discovery Communications Europe Ltd	Discovery Civilisation Channel (Italy)	38%	55%	14%	10%	55%	31%
Discovery Communications Europe Ltd	Discovery HD	NO	18%	NO	5%	NO	70%
Discovery Communications Europe Ltd	Discovery HD Europe	NO	29%	NO	3%	NO	100%
Discovery Communications Europe Ltd	Discovery Home and Health	63%	69%	16%	17%	100%	100%
Discovery Communications Europe Ltd	Discovery Kids	39%	57%	16%	15%	86%	99%
Discovery Communications Europe Ltd	Discovery Real Time	74%	63%	20%	17%	88%	74%
Discovery Communications Europe Ltd	Discovery Real Time (France)	59%	54%	0%	2%	100%	67%
Discovery Communications Europe Ltd	Discovery Real Time (Italy)	79%	70%	7%	19%	14%	75%
Discovery Communications Europe Ltd	Discovery Real Time Extra	84%	71%	48%	33%	93%	60%
Discovery Communications Europe Ltd	Discovery Science (Europe & Middle East)	50%	59%	29%	33%	70%	16%
Discovery Communications Europe Ltd	Discovery Science (UK)	NO	40%	NO	13%	NO	39%

Discovery Communications Europe Ltd	Discovery Science Channel (Italy)	44%	46%	25%	15%	53%	27%
Discovery Communications Europe Ltd	Discovery Travel & Living	N/Op	76%	N/Op	11%	N/Op	68%
Discovery Communications Europe Ltd	Discovery Travel & Living (Europe)	71%	66%	26%	27%	91%	20%
Discovery Communications Europe Ltd	Discovery Travel & Living (Italy)	60%	43%	28%	8%	80%	3%
Discovery Communications Europe Ltd	Discovery Turbo	58%	66%	21%	19%	80%	87%
Discovery Historia Ltd	Discovery Historia	NO	59%	NO	9%	NO	51%
Dolphin Broadcast Services Limited	ACTIONMAX	70%	12%	0%	12%	0%	11%
Dolphin Broadcast Services Limited	Movies4Men	70%	12%	0%	12%	0%	11%
E! Entertainment UK	E!	14%	7%	14%	7%	52%	25%
E! Entertainment UK	E! Entertainment Television (France)	NO	12%	NO	12%	NO	62%
E! Entertainment UK	E! Entertainment Television (Italy)	15%	17%	15%	17%	55%	73%
E! Entertainment UK	E! Entertainment Television (UK & Ireland)	NO	14%	NO	14%	NO	37%
Education Digital Management Ltd	Teachers' TV	95%	92%	62%	70%	100%	100%
Enteraction TV Learning Ltd	My Channel	NO	80%	NO	0%	NO	0%
Escape Channel Ltd	Lucky Star	100%	100%	38%	100%	100%	100%
Eternal World TV Network Ltd	EWTN	20%	20%	7%	10%	84%	56%
European Channel Broadcasting Ltd	BBC Prime	100%	100%	11%	14%	61%	59%

Five	Channel 5	52%	58%	94%	53%	71%	57%
Five	Five Life	NO	59%	NO	16%	NO	100%
Five	Five US	NO	51%	NO	48%	NO	100%
Flextech TV Ltd	“ftn”	61%	67%	33%	62%	100%	38%
Flextech TV Ltd	Bravo	59%	54%	41%	43%	97%	57%
Flextech TV Ltd	Bravo 2	NO	73%	NO	63%	NO	31%
Flextech TV Ltd	Challenge	83%	91%	75%	82%	29%	11%
Flextech TV Ltd	Living TV	44%	47%	36%	35%	46%	39%
Flextech TV Ltd	Living TV 2	70%	59%	59%	49%	34%	31%
Flextech TV Ltd	Trouble	43%	43%	29%	29%	43%	43%
Fox International Ch (UK) Ltd	f/x Channel	9%	9%	8%	9%	11%	2%
Fox International Ch (UK) Ltd	FX+	NO	9%	NO	9%	NO	2%
Front Row TV Ltd	Front Row	14%	19%	0%	0%	0%	0%
GMTV	GMTV1	78%	70%	24%	20%	100%	94%
Grimsby Institute	Propeller	100%	100%	100%	100%	100%	100%
Hellenic TV Ltd	Hellenic TV	100%	100%	26%	16%	81%	70%
Hollywood Classics Movies Ltd	DoveVision TV	NC	0%	NC	0%	NC	0%
Hollywood TV Limited	Hollywood TV	100%	100%	57%	100%	100%	100%
Information TV Ltd	Information TV	100%	69%	100%	69%	100%	100%
Information TV Ltd	Info TV 2	N/Op	88%	N/Op	88%	N/Op	100%
Islam Channel Limited	Islam Channel	83%	83%	1%	1%	100%	100%
Islam Channel Plus Ltd	Unity TV	NO	35%	NO	0%	NO	0%
ITV plc	CITV	NO	66%	NO	20%	NO	80%
ITV plc	Granada Men + Motors	77%	75%	18%	24%	100%	100%
ITV plc	ITV1	82%	89%	40%	33%	62%	98%

ITV plc	ITV2	56%	59%	15%	17%	100%	100%
ITV plc	ITV3	60%	66%	9%	9%	77%	75%
ITV plc	ITV4	23%	26%	2%	3%	100%	100%
Jetix Europe Limited	Jetix	54%	58%	19%	16%	84%	40%
Jetix Europe Limited	Jetix (FKU)	60%	60%	29%	19%	59%	31%
Jetix Europe Limited	Jetix CEE	58%	67%	12%	36%	0%	0%
Jetix Europe Limited	Jetix Poland	45%	52%	20%	12%	63%	52%
Jetix Europe Limited	Jetix Scandinavia	58%	57%	27%	26%	56%	42%
Jetix Europe Limited	Jetix UK	32%	39%	16%	20%	91%	53%
JimJam TV Limited	JimJam	NO	62%	NO	62%	NO	16%
Kanal 5 Limited	Kanal 5	19%	18%	18%	15%	100%	81%
Kanal 5 Limited	Kanal 9	NO	87%	NO	67%	NO	9%
Life One Broadcasting	Life TV	43%	43%	43%	40%	61%	97%
Life Showcase Limited	Life Showcase Limited	47%	51%	47%	15%	70%	30%
Life Two Broadcasting	Life 24	43%	44%	43%	41%	61%	93%
London International TV Ltd	The Business Channel	N/Op	100%	N/Op	0%	N/Op	0%
Loveworld Ltd	Loveworld TV	29%	9%	29%	4%	100%	100%
MacAnthony Realty International Ltd	Overseas property	NO	100%	NO	100%	NO	100%
Majestiv TV Ltd	Psychic TV	88%	63%	88%	30%	100%	100%
Manchester United TV Ltd	MUTV	100%	100%	0%	0%	0%	0%
Moving Movies Limited	True Movies	17%	16%	2%	3%	0%	0%
Moving Movies Limited	True Movies 2	NO	17%	NO	3%	NO	0%
MTV Networks Europe	Comedy Central Polsk	NO	9%	NO	1%	NO	100%
MTV Networks Europe	MTV (Ireland)	42%	45%	24%	27%	100%	64%
MTV Networks Europe	MTV Base	46%	40%	43%	35%	100%	100%

MTV Networks Europe	MTV Dance	76%	69%	44%	14%	100%	100%
MTV Networks Europe	MTV Denmark	43%	59%	39%	55%	100%	100%
MTV Networks Europe	MTV España	79%	65%	26%	46%	100%	100%
MTV Networks Europe	MTV Europe (North)	62%	40%	33%	37%	100%	100%
MTV Networks Europe	MTV Finland	39%	44%	30%	37%	100%	100%
MTV Networks Europe	MTV Flux	NO	54%	NO	48%	NO	100%
MTV Networks Europe	MTV France	85%	66%	43%	51%	100%	100%
MTV Networks Europe	MTV Hits	71%	58%	41%	55%	100%	100%
MTV Networks Europe	MTV Idol	88%	52%	88%	51%	100%	100%
MTV Networks Europe	MTV Music	NO	71%	NO	71%	NO	100%
MTV Networks Europe	MTV Nordic (Sweden)	NO	46%	NO	29%	NO	100%
MTV Networks Europe	MTV Norway	37%	37%	27%	24%	100%	100%
MTV Networks Europe	MTV Polska	77%	17%	66%	8%	100%	100%
MTV Networks Europe	MTV Portugal	21%	45%	17%	42%	100%	100%
MTV Networks Europe	MTV Pulse	81%	57%	81%	57%	100%	100%
MTV Networks Europe	MTV UK	42%	45%	24%	27%	100%	100%
MTV Networks Europe	MTV2	54%	65%	15%	55%	100%	100%
MTV Networks Europe	Nickelodeon (France)	5%	12%	0%	0%	0%	100%
MTV Networks Europe	Nickelodeon Europe	10%	26%	10%	16%	100%	100%
MTV Networks Europe	Nickelodeon Portugal	21%	26%	21%	16%	100%	100%
MTV Networks Europe	Nickelodeon Scandinavia	42%	28%	42%	4%	100%	100%
MTV Networks Europe	TMF	53%	58%	47%	46%	100%	100%
MTV Networks Europe	VH1	24%	50%	10%	41%	100%	100%
MTV Networks Europe	VH1 Export	32%	34%	31%	32%	100%	100%

MTV Networks Europe	VH1 Classic	29%	43%	25%	36%	100%	100%
MTV Networks Europe	VH1 Europe Classics	85%	25%	85%	24%	100%	100%
MTV Networks Europe	VH1 Polska	57%	35%	57%	35%	100%	100%
MTV Networks Europe	Viva Polska	60%	66%	53%	1%	100%	100%
Music Choice Europe	Music Choice	100%	100%	100%	100%	100%	100%
NGC-UK Partnership	National Geographic Channel	33%	38%	30%	36%	80%	92%
NGC-UK Partnership	National Geographic Channel - Central Europe	43%	44%	39%	40%	87%	92%
NGC-UK Partnership	National Geographic Channel Benelux	41%	40%	37%	38%	80%	88%
NGC-UK Partnership	National Geographic Channel HD	NO	45%	NO	44%	NO	82%
NGC-UK Partnership	Wild	45%	39%	25%	26%	67%	88%
Nickelodeon UK Limited	Nick Jr	45%	52%	38%	44%	51%	60%
Nickelodeon UK Limited	Nick Jr (Eire)	45%	52%	38%	44%	51%	60%
Nickelodeon UK Limited	Nick Jr 2	NO	71%	NO	57%	NO	66%
Nickelodeon UK Limited	Nickelodeon	24%	27%	14%	23%	81%	24%
Nickelodeon UK Limited	Nickelodeon (Eire)	24%	27%	14%	23%	81%	24%
Nickelodeon UK Limited	Nicktoons	18%	22%	18%	22%	81%	91%
Nickelodeon UK Limited	Nicktoons TV	18%	22%	18%	22%	81%	91%
OBE TV Limited	OBE	NC	NC	NC	NC	NC	NC
On Demand Management Ltd	Select Kino	NO	33%	NO	33%	NO	100%
Open Access Group Ltd	Open Access	51%	100%	9%	94%	100%	100%
Open Access Group Ltd	Open Access 2	75%	100%	25%	87%	100%	100%
Paramount UK Partnership	Paramount Comedy	13%	29%	4%	10%	81%	59%

Paramount UK Partnership	Paramount Comedy 2	47%	53%	33%	15%	35%	33%
Paramount UK Partnership	Paramount Comedy Ireland	15%	29%	6%	10%	81%	59%
Passion Broadcasting	Passion TV	NC	80%	NC	10%	NC	100%
Playboy TV UK/Benelux Ltd	Climax 1	99%	84%	81%	80%	100%	91%
Playboy TV UK/Benelux Ltd	Climax 2	99%	89%	78%	87%	100%	86%
Playboy TV UK/Benelux Ltd	Climax 3	99%	90%	78%	86%	100%	82%
Playboy TV UK/Benelux Ltd	Playboy	0%	4%	0%	3%	0%	24%
Playboy TV UK/Benelux Ltd	Playboy (France)	2%	8%	2%	7%	67%	71%
Playboy TV UK/Benelux Ltd	Playboy One	24%	36%	24%	24%	79%	91%
Playboy TV UK/Benelux Ltd	Playboy TV	44%	42%	44%	42%	77%	69%
Playboy TV UK/Benelux Ltd	Spice Extreme	50%	30%	30%	25%	77%	94%
Playboy TV UK/Benelux Ltd	The Adult Channel	52%	53%	41%	36%	88%	77%
Playboy TV UK/Benelux Ltd	Trade.TV	NO	30%	NO	30.35%	NO	99%
Portland Enterprises (C.I.) Ltd	Television X - The Fantasy Channel (UK)	54%	84%	12%	84%	100%	75%
Portland Enterprises (C.I.) Ltd	Television X 2	42%	84%	42%	84%	100%	70%
Portland Enterprises (C.I.) Ltd	Television X 3	33%	100%	17%	100%	100%	100%
Portland Enterprises (C.I.) Ltd	Television X 4	43%	51%	41%	51%	100%	100%
R Music Limited	Genesis	NO	100%	NO	85.09%	NO	100%
Rapture TV plc	Rapture TV	NC	NC	NC	NC	NC	NC

Real Estate TV Ltd	Real Estate TV	NC	52%	NC	37.5%	NC	1005
Revelation TV Ltd	Revelation	90%	50%	45%	50%	100%	100%
RHF Productions Ltd	Fantasy 1	100%	94%	100%	94%	100%	67%
RHF Productions Ltd	Fantasy 2	53%	94%	53%	94%	100%	64%
RHF Productions Ltd	Gay TV	67%	65%	19%	63%	100%	66%
RHF Productions Ltd	Only 18	49%	89%	49%	89%	68%	66%
RHF Productions Ltd	Private	NO	100%	NO	100%	NO	100%
RHF Productions Ltd	Private 2	NO	100%	NO	100%	NO	100%
RHF Productions Ltd	Red Hot 40+	67%	100%	67%	100%	100%	100%
RHF Productions Ltd	Red Hot All Girl	47%	86%	47%	84%	59%	67%
RHF Productions Ltd	Red Hot Amateur	73%	100%	73%	100%	76%	100%
RHF Productions Ltd	Red Hot Rears	81%	85%	81%	84%	100%	70%
RHF Productions Ltd	Red Hot Wives	49%	100%	49%	100%	62%	100%
S4C	S4C Digital	98%	99%	75%	84%	85%	76%
Satellite Entertainment Ltd	18plusXXX	52%	NO	82%	NO	69%	NO
Satellite Entertainment Ltd	SportXXX 40+ Wives	NO	90%	NO	51.81%	NO	100%
Satellite Entertainment Ltd	SportXXXBabes	NO	59%	NO	89.75%	NO	58%
Satellite Entertainment Ltd	SportXXXGirls	NO	90%	NO	59.16%	NO	88%
Satellite Entertainment Ltd	SportXXXWives	57%	NO	65%	NO	74%	NO
SBS Broadcasting Network	SBS Broadcasting Network	33%	60%	12%	17%	100%	100%
SBS Broadcasting Network	The Voice TV (Norway)	34%	47%	12%	9%	100%	100%
SBS Broadcasting Network	The Voice TV (Sweden)	36%	47%	13%	7%	100%	100%
SBS Danish TV Ltd	Kanal 4	NO	31%	NO	30.1%	NO	100%
SBS Danish TV Ltd	Kanal 5 Denmark	10%	8%	10%	8%	100%	100%
Sci Fi Channel Europe LLC	Sci Fi TV	13%	17%	13%	17%	84%	77%

Sci Fi Channel Europe LLC	Sci Fi Channel Europe	10%	6%	1%	2%	39%	67%
Sparrowhawk Entertainment Ltd	Hallmark Channel	N/Op	14%	N/Op	5%	N/Op	81%
Sparrowhawk Entertainment Ltd	Hallmark Channel (Central Europe)	19%	13%	4%	4%	89%	71%
Sparrowhawk Entertainment Ltd	Hallmark Channel (Czech Republic)	15%	8%	4%	3%	82%	100%
Sparrowhawk Entertainment Ltd	Hallmark Channel (Italy)	11%	6%	3%	2%	95%	100%
Sparrowhawk Entertainment Ltd	Hallmark Channel (Scandilux)	19%	16%	6%	5%	80%	75%
Sparrowhawk Entertainment Ltd	Hallmark Entertainment Network (UK)	13%	15%	10%	13%	97%	88%
Sparrowhawk Entertainment Ltd	Movies 24	NO	6%	NO	6%	NO	100%
Sparrowhawk Entertainment Ltd	Movies 24 +	NO	8%	NO	8%	NO	100%
Telecoms TV Limited	Friendly TV	100%	100%	53%	100%	100%	100%
The Baby Channel Ltd	The Baby Channel	100%	100%	0%	0%	0%	0%
The Community Channel Ltd	The Community Channel	100%	100%	70%	73%	100%	100%
The History Channel (UK)	Crime & Investigation Network	NO	9%	NO	2%	NO	76%
The History Channel (UK)	History Channel HD	NO	1%	NO	1%	NO	100%
The History Channel (UK)	The Biography Channel	21%	12%	6%	3%	32%	40%
The History Channel (UK)	The History Channel	20%	23%	6%	5%	10%	51%
The Optimistic Network	Bonanza	NC	NO	NC	NO	NC	NO
The TV Group Ltd	XplicitXXX	100%	100%	100%	100%	100%	100%
The Walt Disney Company	ABC 1	20%	13%	0%	1%	0%	100%

The Walt Disney Company	Disney Channel	9%	32%	0%	0%	100%	86%
The Walt Disney Company	Disney Channel Middle East	0%	91%	0%	0%	0%	100%
The Walt Disney Company	Disney Cinemagic	32%	32%	0%	0%	52%	100%
The Walt Disney Company	Playhouse Disney	45%	58%	4%	13%	43%	82%
The Walt Disney Company	Playhouse Disney (Scandinavia)	NO	100%	NO	0%	NO	0%
The Walt Disney Company	The Disney Channel Scandinavia	90%	86%	0%	0%	100%	100%
The Walt Disney Company	Toon Disney Scandinavia	100%	100%	0%	0%	0%	0%
Travel Channel International Ltd	The Travel Channel	73%	51%	20%	10%	55%	100%
Travel Channel International Ltd	Travel - Polish service	73%	55%	20%	15%	55%	100%
TTV2 Limited	Ontv	NO	0%	NO	0%	NO	0%
Turner Entertainment Networks International Ltd	Boomerang (French)	NO	27%	NO	22%	NO	29%
Turner Entertainment Networks International Ltd	Boomerang (German)	NO	8%	NO	0%	NO	0%
Turner Entertainment Networks International Ltd	Boomerang (Italian)	24%	21%	0%	0%	0%	0%
Turner Entertainment Networks International Ltd	Boomerang (Pan-European)	7%	8%	0%	3%	0%	0%
Turner Entertainment Networks International Ltd	Boomerang (Spain)	22%	23%	17%	16%	0%	0%
Turner Entertainment Networks International Ltd	Cartoon Network (EMEA)	32%	21%	9%	6%	58%	44%

Turner Entertainment Networks International Ltd	Cartoon Network (French language)	31%	31%	8%	13%	0%	37%
Turner Entertainment Networks International Ltd	Cartoon Network (Germany)	NO	67%	NO	0%	NO	0%
Turner Entertainment Networks International Ltd	Cartoon Network (Italian)	45%	40%	6%	2%	39%	0%
Turner Entertainment Networks International Ltd	Cartoon Network (Nordic)	33%	30%	20%	14%	50%	94%
Turner Entertainment Networks International Ltd	Cartoon Network (Spanish language)	37%	34%	8%	5%	56%	98%
Turner Entertainment Networks International Ltd	Cartoon Network Too	NO	6%	NO	1%	NO	100%
Turner Entertainment Networks International Ltd	Cartoon Network UK	47%	49%	39%	43%	50%	41%
Turner Entertainment Networks International Ltd	Cartoon Network/Turner Classic Movies (CEE)	18%	22%	6%	3%	6%	99%
Turner Entertainment Networks International Ltd	Cartoon Networks Boomerang	34%	43%	29%	37%	1%	3%
Turner Entertainment Networks International Ltd	TCM (French language)	39%	39%	7%	7%	15%	20%
Turner Entertainment Networks International Ltd	TCM (Germany)	NO	18%	NO	18%	NO	0%
Turner Entertainment Networks International Ltd	TCM (Spanish language)	45%	46%	45%	46%	0%	0%
Turner Entertainment Networks International Ltd	TCM (Turner Classic Movies)	37%	38%	37%	2%	0%	89%
Turner Entertainment	TCM Pan-European	34%	33%	34%	1%	0%	78%

Networks International Ltd							
Turner Entertainment Networks International Ltd	TCM2	NO	32%	NO	4%	NO	100%
Turner Entertainment Networks International Ltd	Toonami	12%	23%	6%	18%	88%	70%
TV Legal Ltd	Legal TV	NO	100%	NO	20%	NO	0%
UKTV	UK Bright Ideas	100%	95%	85%	66%	77%	80%
UKTV	UK Food	87%	72%	62%	35%	63%	45%
UKTV	UK Gold 2	99%	88%	42%	19%	47%	59%
UKTV	UK History	78%	83%	14%	16%	33%	74%
UKTV	UKTV Documentary	92%	86%	13%	19%	18%	31%
UKTV	UKTV Drama	96%	84%	9%	4%	77%	18%
UKTV	UKTV Gardens	100%	96%	34%	34%	95%	74%
UKTV	UKTV Gold	90%	76%	13%	13%	21%	37%
UKTV	UKTV People	84%	82%	9%	10%	52%	63%
UKTV	UKTV Style	79%	71%	36%	20%	88%	90%
United Christian Broadcasters Ltd	UCBTV	37%	75%	37%	25%	100%	100%
Viasat Broadcasting UK Ltd	3+	19%	25%	10%	1%	100%	100%
Viasat Broadcasting UK Ltd	3+ (Baltics)	56%	56%	0%	1%	0%	0%
Viasat Broadcasting UK Ltd	TV3 Denmark	19%	22%	9%	12%	100%	100%
Viasat Broadcasting UK Ltd	TV3 Norway	18%	17%	8%	7%	100%	100%
Viasat Broadcasting UK Ltd	TV3 Sweden	24%	21%	15%	12%	100%	100%
Viasat Broadcasting UK Ltd	TV6	53%	35%	8%	14%	100%	99%

Viasat Broadcasting UK Ltd	TV8	81%	91%	39%	48%	100%	100%
Viasat Broadcasting UK Ltd	Viasat Explorer	49%	56%	0%	0%	0%	100%
Viasat Broadcasting UK Ltd	Viasat History	88%	88%	0%	0%	0%	0%
Viasat Broadcasting UK Ltd	ZTV	NO	75%	NO	1%	NO	100%
Viasat Broadcasting UK Ltd	ZTV Norway	48%	47%	0%	1%	100%	100%
Video Interactive TV	Channel U	NC	NC	NC	NC	NC	NC
Video Interactive TV	Fizz	NC	NC	NC	NC	NC	NC
Volkswagen Group United Kingdom Ltd	Audi Channel	100%	100%	23%	100%	100%	100%
You TV Plc	Sumo TV	100%	100%	0%	0%	0%	0%
Zonemedia Broadcasting Ltd	Zone Club (Hungary)	55%	77%	37%	6%	51%	100%
Zonemedia Broadcasting Ltd	Zone Club (Pan-European)	72%	91%	49%	12%	36%	100%
Zonemedia Broadcasting Ltd	Zone Club (Poland)	64%	58%	37%	26%	54%	60%
Zonemedia Broadcasting Ltd	Zone Europa	2%	1%	1%	1%	25%	39%
Zonemedia Broadcasting Ltd	Zone Fantasy	NO	10%	NO	0%	NO	0%
Zonemedia Broadcasting Ltd	Zone Horror	3%	8%	3%	1%	0%	0%
Zonemedia Broadcasting Ltd	Zone Horror (Netherlands)	NO	13%	NO	6%	NO	0%
Zonemedia Broadcasting Ltd	Zone Reality	23%	13%	0%	0%	0%	0%
Zonemedia Broadcasting Ltd	Zone Reality (EMEA 2)	18%	9%	0%	0%	0%	0%
Zonemedia Broadcasting Ltd	Zone Reality (UK)	8%	6%	0%	0%	0%	0%

Zonemedia Broadcasting Ltd	Zone Reality +1	8%	6%	0%	0%	0%	0%
Zonemedia Broadcasting Ltd	Zone Reality Extra	0%	5%	0%	0%	0%	0%
Zonemedia Broadcasting Ltd	Zone Romantica	13%	12%	3%	1%	0%	0%
Zonemedia Broadcasting Ltd	Zone Thriller	0%	1%	0%	1%	0%	0%
Compliance rate (IND 3/5)		48%	52%	68%	66%		
Average % (IND 2/4/6)		52.56%	53.02%	28.51%	29.72%	67.63%	69.58%

A) Reasons given by Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

Subject matter of the channel:

Film 4, Film Four Weekly, Kiss, Kerrang, XXX TV, Sky Movies Comedy, Sky Movies Action/Thriller, Sky Box Office, 18 Plus Movies, Sky Movies Premier, E!, E! Entertainment (France), E! Entertainment UK, E! Entertainment (Italy), Front Row, ITV4, Playboy, Playboy TV, Playboy One, Playboy (France), Zone Romantica, ABC 1, Disney Cinemagic, Disney Channel, VH1 Europe Classics, VH1 Export, VH1 Polska, MTV Norway, MTV Base, MTV Europe (North), VH1 Classic, MTV Finland, MTV (Ireland), MTV UK, MTV Portugal, MTV Nordic (Sweden), VH1, Viva Polska.

When the channel commenced broadcasting:

Baby TV, Life TV, REN TV (Baltic version), Unity TV, Trade.TV, Kanal 4, Sumo TV, Ontv, Comedy Central Polska.

Difficulty in finding European programmes or finding European programmes at competitive prices:

Nickelodeon Europe, Nickelodeon Scandinavia, Nickelodeon France, AXN (Italy), AXN Crime, AXN Sci Fi, AXN, AXN (Germany, Switzerland), 100% Babes, Sky One, Sky Two, CNBC Europe, CNBC Europe (Central), Discovery HD, Discovery Channel (UK), Discovery HD Europe, Discovery Channel France, Discovery Science UK, Discovery Civilisation Middle East, Discovery Travel & Living Italy, Discovery Channel Nordic, Discovery Channel (Italy), Discovery Channel (Benelux), Discovery (Central & Eastern Europe), Discovery (Middle East, Africa and Turkey), Discovery Science Italy, ACTIONMAX, Movies4Men, Trouble, Living TV, f/x Channel, FX+, DoveVision TV, National Geographic, Wild, National Geographic Benelux, National Geographic CE, National Geographic HD, Nicktoons, Nicktoons TV, Nickelodeon, Nickelodeon (Eire), Paramount Comedy, Paramount Comedy Ireland, The Voice TV (Norway), The Voice TV (Sweden), Sci Fi Channel Europe, Sci Fi TV, Hallmark Entertainment UK, Hallmark Channel Italy, Hallmark Channel (CZ), Hallmark

Channel (Central), Hallmark Channel (Benelux), Hallmark Channel (Sc), History Channel HD, Crime & Investigation, The Biography Channel, The History Channel, Toon Disney Scandinavia, Cartoon Network Too, Boomerang (German), Boomerang (Pan-European), TCM (Germany), Cartoon Network (EMEA), Boomerang (Italian), Cartoon Network/Turner, Boomerang (Spain), Toonami, Boomerang (French), Cartoon Network (Norway), Cartoon Network (French), TCM2, TCM Pan-European, Cartoon Network (Spain), TCM (Turner Classic Movies), TCM (French language), Cartoon Network (Italy), CN's Boomerang, TCM (Spanish language), Cartoon Network UK, Cartoon Network (Germany), ZTV Norway, 3+, TV3 Denmark, TV3 Sweden, TV3 Norway, Zone Europa, Zone Thriller, Zone Reality Extra, Zone Reality (UK), Zone Reality +1, Zone Horror, Zone Reality (EMEA 2), Zone Fantasy, Zone Horror (Netherlands), Zone Reality, Zone Club (Hungary), Movies 24, Movies 24 +.

Subsidiaries of companies based in non-member countries broadcasting programmes mostly from their stock or from non-member distributors:

ABC 1, Disney Cinemagic, Disney Channel, Hustler TV UK, EWTN, Select Kino.

2. Minimum proportion of European works by independent producers (Article 5)

When the channel commenced broadcasting:

Baby Channel, Rockworld, My Channel, Islam Channel.

Difficulty in finding cost-competitive independent European producers:

The Disney Channel Scandinavia, Playhouse Disney Scandinavia, Disney Channel Middle East, 3+ (Baltics), ZTV, Viasat Explorer, Viasat History, TV6, MUTV, Discovery Historia, Discovery Real Time France, Sky Venue, The Business Channel, Turn on TV, Muslim TV Ahmadiyya International.

B) Measures taken or envisaged by the Member State

The UK encourages compliance with the quotas by means of monitoring. But there are constraints on the extent to which it is practicable for particular channels to meet them, especially if they began broadcasting relatively recently or cater for particular niche interests.

All the channels which do not meet the quotas have relatively small audiences. The main UK terrestrial TV channels — BBC1, BBC2, ITV, Channel 4 and Five — which account for 58% of the total UK audience, all exceed the quota requirements by some margin, averaging 76% of European works and 27% of independent European works.

C) Further comments

The UK's independent regulator, the Office of Communications (Ofcom), is responsible for monitoring the quotas and requested annual returns from the broadcasters for 2005 and 2006. In 2006, Ofcom moved to an on-line reporting system for broadcasters to provide their returns.

The UK drew attention to a summary report produced by Ofcom which considers the position of the public-service broadcasting analogue and digital terrestrial channels (BBC, Channel 4, GMTV, ITV and Five). On these channels, in 2006 the overall proportion of European works was 87% and for independent European works it was 33%.

UK	MS	EW (% of TQT)		IP (%TQT)		RW (%IP)	
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
BBC	BBC 1	82%	79%	24%	27%	97%	99%
BBC	BBC 2	85%	84%	26%	21%	91%	91%
BBC	BBC 3	90%	93%	29%	31%	96%	100%
BBC	BBC 4	93%	95%	26%	20%	96%	98%
BBC	CBBC	89%	84%	18%	20%	99%	92%
BBC	CBeebies	97%	96%	40%	40%	100%	77%
BBC	BBC News 24	89%	96%	26%	21%	100%	100%
Channel 4 Television	Channel 4	71%	71%	69%	50%	82%	84%
GMTV	GMTV1	78%	70%	24%	20%	100%	94%
ITV plc	ITV1	82%	89%	40%	33%	62%	98%
S4C	S4C Digital	98%	99%	75%	84%	85%	76%
Five	Channel 5	52%	58%	94%	53%	71%	57%
Compliance rate (IND 3/5)		100%	100%	100%	100%		
Average % (IND 2/4/6)		86.73%	86.88%	36.09%	33.32%	91.64%	91.72%

BACKGROUND DOCUMENT 5: Voluntary reports by Bulgaria and Romania

1. 1. General remarks on the national reports by the new Member States

This report covers the reference period 2005-2006. Given that Bulgaria and Romania joined the EU on 1 January 2007, they are under no obligation to report on implementation of Articles 4 and 5 of the Directive, pursuant to Article 4(3). Nonetheless, the two new Member States voluntarily provided the Commission with reports on their channels' performance with regard to the requirements set out in Articles 4 and 5 of the Directive. The Commission decided to include these contributions in order to demonstrate the considerable developments in the broadcasting sector in these two countries in the run-up to their accession.

Romania did not introduce the necessary exemptions from most-favoured-nation treatment for audiovisual services in the framework of the WTO General Agreement for Trade and Services (GATS). Therefore, its WTO position prevented it from implementing the *acquis* in full before accession.

In order to enable Romania gradually to achieve the target of reserving the majority proportion of its broadcasting time for European works, the Commission accepted introduction of a quota for Romanian audiovisual works on Romanian television until Romania's accession. Accordingly, Article 22 of the Romanian Broadcasting Law reserved a "significant proportion" of broadcasting time for Romanian audiovisual works until the date of accession. The Romanian National Audiovisual Council further developed these provisions by imposing an obligation for broadcasters to reserve 30% of their broadcasting time for Romanian audiovisual works and a majority proportion of transmission time for European works from the time of accession on.

2. Current situation concerning achievement of the objectives of Articles 4 and 5 in Bulgaria and Romania

2.1. Bulgaria

Data on three channels were submitted.

European works

The three channels covered broadcast an average of 67.65% of European works in 2005 and of 72.83% in 2006, giving a marked increase of 5.17 percentage points over the reference period.

The compliance rate throughout the reference period was 100% since all the channels covered exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. Their figures ranged from 60.12% to 76.50% in 2005 and from 56.18% to 97% in 2006.

European works made by independent producers

The average allocation to European works by independent producers for all three channels was 17.42% in 2005 and 14.94% in 2006, indicating a decrease of -2.48 percentage points over the reference period.

The compliance rate, in terms of number of channels, was 100%.

No statistical data on recent works among all independent productions were transmitted.

2.2. Romania

Out of a total of 16 channels, 8 were exceptionally exempted from the reporting obligation.

European works

The channels covered broadcast an average of 51.08% of European works in 2005 and 57.95% in 2006 respectively, giving an increase of 6.87 percentage points over the reference period.

For 2005, out of a total of 8 channels covered, four exceeded the majority proportion called for by Article 4 of the Directive, while 3 channels were below the minimum level. The compliance rate, in terms of number of channels, was 50%.

In 2006, six out of the 8 channels covered exceeded the 50% minimum set in Article 4 of the Directive, while 2 channels remained below it. The compliance rate was 75%.

European works made by independent producers

The average allocation to European works by independent producers for all the channels covered was 36.22% in 2005 and 38.62% in 2006, giving a 2.40 percentage point increase over the reference period.

During the entire reference period, out of a total of 8 channels covered, two complied with the minimum proportion set in Article 5 of the Directive, whereas no data were communicated for 6 channels. The compliance rate, in terms of number of channels, was 25%.

The average relative proportion of recent European works by independent producers for all channels covered was 71.32% in 2005 and 72.36% in 2006, giving a small increase of 1.05 percentage points over the reference period.

3. Summary of the reports

3.1. Bulgaria

BULGARIA

Number of channels	Reference period	Monitoring method
Total identified and covered (IND 1): 3	2005/2006	Recording and monitoring, media research and analysis

BG	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
Bulgarian National Television	KANAL 1	76.50%	97.00%	10.03%	8.70%		
Balkan News Corporation	b TV	60.12%	56.18%	20.78%	19.23%		
New Television-First Private Channel	Nova TV	66.34%	65.30%	14.06%	16.89%		
Compliance rate (IND 3/5)		100%	100%	100%	100%		
Average % (IND 2/4/6)		67.65%	72.83%	17.42%	14.94%		

3.2. Romania

ROMANIA

Number of channels	Reference period	Monitoring method
Total identified: 16 Covered (IND 1): 8	2005/2006	Based on statements by channels

RO	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
Broadcaster	Channel	2005	2006	2005	2006	2005	2006
SC TV Antena 1 SA	Antena 1	48.24%	54.92%	22.42%	28.66%	92.61%	96.15%
SC TV Antena 2 SA	Antena 2	EX	EX	EX	EX	EX	EX
SC TV Antena 3 SA	Antena 3	EX	EX	EX	EX	EX	EX
SC TV Antena 4 SA	Euforia Lifestyle TV	EX	EX	EX	EX	EX	EX
SC SBS Broadcasting Media SRL	Prima TV	51.56%	53.80%	50.02%	48.57%	50.02%	48.57%
Societatea Română de Televiziune	TVR 1	66.60%	69.64%	NC	NC	NC	NC
Societatea Română de Televiziune	TVR 2	53.35%	65.02%	NC	NC	NC	NC
Societatea Română de Televiziune	TVR Cultural	77.86%	89.34%	NC	NC	NC	NC
SC ABC Plus Media SA	National TV	43.50%	54.65%	NC	NC	NC	NC
News Television (Romania) SRL	B1 TV	36.58%	39.42%	NC	NC	NC	NC
SC Pro TV SA	Pro TV	30.97%	36.77%	NC	NC	NC	NC
SC Pro TV SA	Acasa	EX	EX	EX	EX	EX	EX
SC Pro TV SA	Pro Cinema	EX	EX	EX	EX	EX	EX
SC Realitatea Media SA	Realitatea TV	EX	EX	EX	EX	EX	EX
SC Ocram Televiziune	OTV	EX	EX	EX	EX	EX	EX
SC Clas Media SRL	N24	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		50%	75%	25%	25%		

Average % (IND 2/4/6)	51.08%	57.95%	36.22%	38.62%	71.32%	72.36%
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BACKGROUND DOCUMENT 6: Reports from the Member States of the European Free Trade Association participating in the European Economic Area

The first part of this document contains a brief analysis of application of Articles 4 and 5 in the Member States of the European Free Trade Association (EFTA) participating in the European Economic Area (EEA)⁴⁷ over the reference period (2005-2006). The second part comprises the national reports of Iceland and Norway. Liechtenstein submitted a statement indicating that, since the only broadcaster operating under Liechtenstein's jurisdiction, X-Media, had its licence withdrawn in 2004, no broadcasters are now permanently established under its jurisdiction. Consequently, no report for the reference period 2005-2006 could be submitted by Liechtenstein.

1. Application by the EFTA Member States participating in the EEA

3.3. Iceland

One channel (Skjar Sport) was exceptionally exempted in 2006.

The channels covered increased their average proportion of transmission time allocated to European works from 28.85% in 2005 to 48.22% in 2006. This means that the average proportion rose considerably by 19.37 percentage points. However, it still remained below the 50% minimum. Within a space of four years (2003-2006), it increased by 17.89 percentage points. Only one of the channels covered (RÚV) complied with the majority proportion required by the Directive during the entire reference period. However, two more (Sirkus 2005 and Popp TV 2005) were able to comply with the majority proportion requirement in 2006. The compliance rate therefore rose from 13% to 43%.

Only two channels (RÚV and Skjar Einn) met the 10% minimum set in Article 5. All the other channels covered were below the minimum proportion. The average proportion of transmission time allocated to independent productions rose from 4.54% in 2005 to 5.63% in 2006, giving a 1.09 percentage point increase over the reference period. The share of recent European works by independent producers was 18.85% in 2005 and 26.93% in 2006.

1.2 Norway

Two channels were exceptionally exempted from reporting and one was non-operational in both 2005 and 2006.

The channels covered broadcast an average of 63.67% of European works in 2005 and 58.63% in 2006. This gives a -5.04 percentage point decrease over the reference period and a -9.37 percentage point decrease in the medium term (2003-2006). One broadcaster failed to achieve the required proportion. The compliance rate therefore remained stable at 83%.

The average allocation to European works made by independent producers on all the channels covered was 37.33% in 2005 and 24.17% in 2006, giving a decrease of -13.16 percentage points during the reference period. Over four years (2003-2006), this gives a significant -

⁴⁷ Annex X to the EEA Agreement regulates application of the Directive — with some adaptations — to the EFTA Member States participating in the EEA.

11.83 percentage point decrease. The compliance rate fell from 100% to 67%, with two channels falling below the minimum proportion in 2006.

The average relative proportion of transmission time allocated to recent works by independent producers on all channels fell from 88.67% in 2005 to 64.67% in 2006, giving a decrease of 24 percentage points over the reference period.

2. Summary of the reports from the EFTA Member States participating in the EEA

ICELAND

Number of channels	Reference period	Monitoring method
Total identified and covered (IND 1): 8 (2005); 7 (2006)	2005/2006	Sampling

IS	MS	EW (%TQT)		IP (%TQT)		RW (%IP) ⁴⁸	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
RÚV (Icelandic national broadcasting service)	RÚV	54.80%	53.80%	12.30%	17.50%	83.70%	86.10%
365 MEDIA	Channel 2 2005	36.51%	43.73%	2.55%	7.43%	5.70%	6.79%
	Sýn 2005	34.06%	34.39%	5.69%	1.83%	5.75%	0.43%
	Sirkus 2005	37.99%	54.39%	1.89%	0.00%	18.32%	41.20%
	Popp TV 2005	7.83%	100.00%	0.00%	0.00%	7.33%	17.99%
	Bíórás 2005	14.63%	15.23%	0.90%	1.62%	0.00%	0.00%
ITC (Icelandic Television Company)	Skjar Einn	30.00%	36.00%	13.00%	11.00%	30.00%	36.00%
	Skjar Sport	15.00%	EX	0.00%	EX	0.00%	EX
Compliance rate (IND 3/5)		13%	43%	25%	29%		

⁴⁸ The figures on recent works are least accurate for 365 MEDIA and ITC. They simply reflect the number of Icelandic productions each year and do not cover other European works as the broadcasters' computer systems do not record this.

Average % (IND 2/4/6)	28.85%	48.22%	4.54%	5.63%	18.85%	26.93%
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A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

No observations.

2. Minimum proportion of European works by independent producers (Article 5)

No observations.

B) Measures taken or envisaged by the Member State

None reported.

C) Further comments

No observations.

NORWAY

Number of channels	Reference period	Monitoring method
Total identified: 9 Covered (IND 1): 6	2005/2006	Entire annual schedule

NO	MS	EW (%TQT)		IP (%TQT)		RW (%IP)	
		2005	2006	2005	2006	2005	2006
Broadcaster	Channel						
NRK AS	NRK1	81%	82%	28%	32%	69%	72%
NRK AS	NRK2	59%	67%	26%	28%	87%	73%
TV 2 AS	TV2	57%	57%	23%	25%	84%	80%
TV2 Zebra AS	TV2 Zebra	30%	75%	20%	8%	93%	64%
TV2 Interaktiv AS	TV2 Sonen	100%	NO	75%	NO	100%	NO
TV2 AS	TV2 Film	NO	7%	NO	1%	NO	0%
TVNorge AS	TVNorge	55%	53%	52%	51%	99%	99%
Norsk Radio og TV AS	Miracle Channel	EX	EX	EX	EX	EX	EX
Norsk Rikstoto	Norsk Rikstoto	EX	EX	EX	EX	EX	EX
Compliance rate (IND 3/5)		83%	83%	100%	67%		
Average % (IND 2/4/6)		63.67%	56.83%	37.33%	24.17%	88.67%	64.67%

A) Reasons given by the Member State for failure to achieve the proportions

1. Majority proportion of European works (Article 4)

TV2 Filmkanalen did not fulfil its obligations in 2006. The reason given by the broadcaster for failing to meet the requirements is that it was launched in September 2006 as a specialised film channel focusing mainly on American movies from the 1970s, 1980s and 1990s. The Norwegian Media Authority pointed out in a letter to the broadcaster that the non-compliance is unacceptable, and if the next reports fail to demonstrate substantial improvements, further action will be considered by the Authority.

TV2 Zebra did not fulfil its requirements in 2005, but fulfilled them in 2006. No reasons were given.

2. Minimum proportion of European works by independent producers (Article 5)

TV2 Filmkanalen did not fulfil its obligations in 2006; see above for the reasons given. This non-compliance is unacceptable. Further action will be considered by the Norwegian Media Authority.

TV2 Zebra fulfilled its requirements in 2005, but not in 2006. No reasons were given.

BACKGROUND DOCUMENT 7: Average transmission time of European works by channels with an audience share above 3%

Member State	Channel	AS 2005*	AS 2006*	% EW 2005**	% EW 2006**	
BE						
	FL	Eén	27%	28.7%	79%	87%
		Ketnet	9.4%	9.6%	56%	59%
		VTM	22%	21.3%	58%	72%
		Kanaal II	5.6%	6.7%	28%	21%
		VT4	6.4%	7%	30%	28%
		Vijf Tv	2.4%	4.2%	17%	29%
	FR	La Une	14%	14.7%	77%	78%
		La Deux	3%	4.9%	91%	78%
		AB3	3.8%	3.8%	58%	52%
		RTL-Tvi	17.9%	19.1%	55%	
		Club RTL	5.1%	5.1%	39%	
AVERAGE				53%	56%	
CY	No information on audience share available					
CZ	Nova	39.39%	41.76%	60%	58%	
	Prima televize	23.13%	20.28%	68%	58%	
AVERAGE				64%	58%	
DK	DR 1	28.6%	28.2%	82%	79%	
	DR 2	5.5%	5.5%	84%	85%	
	TV 2	36%	22.6%	48%	49%	
	TV/MIDTVEST	3.5%	3.2%	100%	100%	
	TV 2/NORD	3.5%	3.2%	100%	100%	
	TV SYD	3.5%	3.2%	100%	100%	
	TV 2 /ØSTJYLLAND	3.5%	3.2%	100%	100%	

Member State	Channel	AS 2005*	AS 2006*	% EW 2005**	% EW 2006**
	TV 2 LORRY	3.5%	3.2%	100%	100%
	TV 2/FYN	3.5%	3.2%	100%	100%
	TV 2 ØST	3.5%	3.2%	100%	100%
	TV 2/BORNHOLM	3.5%	3.2%	100%	100%
	Kanal 4	3.9%	3%	36%	34%
AVERAGE					
DE	ARD	13.5%	14.2%	90%	90%
	ZDF	13.5%	13.6%	86%	86%
	Sat1	10.9%	9.8%	86%	86%
	ProSieben	6.7%	6.6%	64%	60%
	Kabel 1	3.8%	3.6%	23%	26%
	RTL2	4.2%	3.8%	48%	43%
	RTL	13.2%	12.8%	80%	79%
	VOX	4.2%	4.8%	41%	45%
AVERAGE				65%	64%
GR	ET1	4.2%	4%	83%	77%
	NET	9.1%	10.1%	92%	80%
	ALTER CHANNEL	10.2%	8.9%	88%	88%
	ANTENNA TV	19.4%	18%	67%	69%
	MEGA TV	18.5%	18.8%	79%	82%
	ALPHA TV	14.2%	15.5%	80%	55%
	STAR CHANNEL	11.5%	10.4%	47%	47%
AVERAGE				77%	71%
ES	Antena 3	21.3%	19.4%	60%	52%

Member State	Channel	AS 2005*	AS 2006*	% EW 2005**	% EW 2006**
	La Primera-TVE1	19.6%	18.3%	59%	61%
	La 2	5.8%	4.8%	84%	79%
	Telecinco	22.3%	21.2%	78%	78%
	Calle 13	4.72%	3.22%	26%	31%
	Nickelodeon	4.2%	5.4%	35%	32%
	Cuatro	5.02%	6.37%	57%	52%
	TV3	3.4%	3.2%	61%	64%
	Canal Sur	3.9%	3.4%	77%	76%
AVERAGE				60%	58%
FR	TF1	32.3%	31.6%	62%	61%
	M6	12.6%	12.5%	61%	64%
	France 2	19.8%	19.2%	82%	82%
	France 3	14.7%	14.7%	78%	80%
	France 5	6.9%	6.8%	87%	86%
	Gulli		3.7%	NO	81%
	TMC		3.8%	67%	71%
	W9		3.3%	67%	69%
AVERAGE				72%	74%
IE	TG4	3.2%	3%	61%	63%
	RTÉ One	25.7%	25.5%	60%	59%
	RTÉ Two	12.1%	13%	40%	43%
AVERAGE				54%	55%
IT	No information on audience share available				
LT	LTV	13%	14.8%	71%	59%
	LNK	24.8%	23.4%	41%	42%

Member State	Channel	AS 2005*	AS 2006*	% EW 2005**	% EW 2006**
	TV3	25.7%	24.5%	49%	36%
	BTV	9.8%	9.2%	53%	51%
AVERAGE				54%	47%
LU	RTL Télé Letzebuerg	66.70%	58%	87%	92%
AVERAGE				87%	92%
LV	LTV1	12.5%	15%	90%	94%
	LTV7	4.9%	7.2%	62%	56%
	TV5	2.9%	3.8%	57%	56%
	TV3	18.5%	24.9%	59%	57%
	LNT	21.1%	27.6%	55%	48%
AVERAGE				65%	62%
HU	MTV1	13.8%	14.4%	89%	92%
	Viasat3	3.7%	4.3%	8%	12%
	RTL KLUB	29%	27.1%	55%	53%
	TV2	26.3%	25.6%	51%	51%
AVERAGE				51%	52%
NL	Nederland 1	11.9%	13.1%	94%	97%
	Nederland 2	15.1%	13.5%	96%	94%
	Nederland 3	6.3%	6.2%	92%	91%
	Net 5	4.3%	4%	11%	15%
	SBS 6	9.8%	9.6%	44%	66%
	Talpa (nu Tien)	2.2%	4.4%	83%	82%
	Veronica/Jetix	3%	3.3%	40%	60%
AVERAGE				66%	72%
AT	No information on audience share available				

Member State	Channel	AS 2005*	AS 2006*	% EW 2005**	% EW 2006**
PL	TVP1	24.6%	24%	70%	72%
	TVP2	21.7%	20.1%	80%	70%
	Polsat	16.7%	16.1%	65%	64%
	TVN	15%	16.7%	72%	75%
AVERAGE				72%	70%
PT	No information on audience share available				
SI	RTVSLO	35.4%	NC	57%	54%
	TV 3	63%	73%	15%	53%
	Čarli TV	NC	50%	40%	30%
	STUDIO SIGNAL	NC	8.5%	99%	96%
	TELEVIZIJA CELJE	NC	10%	23%	73%
	KANAL 10	NC	11%	NC	16%
	NET TV	NC	60%	21%	27%
	TV PAPRIKA	NC	17%	NC	100%
	Play TV	NC	6%	54%	64%
AVERAGE				44%	57%
SK	No information on audience share available				
FI	TV1	25%	24%	89%	88%
	TV2	19%	20%	80%	80%
	MTV3	33%	29%	49%	46%
	Nelonen	11%	12%	51%	54%
	Subtv	4%	5%	18%	19%
AVERAGE				57%	57%
SE	SVT1	24.3%	21.8%	83%	83%
	SVT2	14.4%	14.5%	87%	83%

Member State	Channel	AS 2005*	AS 2006*	% EW 2005**	% EW 2006**
	TV4	23.2%	22.2%	61%	67%
AVERAGE				77%	78%
UK	BBC 1	19.2%	19.9%	82%	79%
	BBC 2	7%	7%	85%	84%
	Channel 4	7.9%	8.3%	71%	71%
	Channel 5	5.3%	4.9%	52%	58%
	ITV1	18.3%	17.3%	82%	89%
AVERAGE				74%	76%

* Audience share (Source: Member States' national reports for 2005-2006).

**The figures are given to the nearest whole number.

BACKGROUND DOCUMENT 8: List of television channels in the Member States which failed to achieve the majority proportion required by Article 4

Type		Transmission mode (TM)		Conformity (C)	
PS	Public service	TE	Terrestrial	√	Target met
PR	Commercial	SA	Satellite	X	Target not met
PY	Pay-TV	CA	Cable	NC	Data not communicated
IA	Interactive	IP	Internet	NO	Channel not in operation
NI	Niche/special interest	D	Digital	EX	Channel excluded
Other	Sports/news/ teleshopping/ near-video-on-demand	A	Analogue		
		DVB-H	Digital video broadcasting - handheld		

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
BE							
FL	Kanaal II	5.6%	6.7%	PR	CA/SA/D	x	x
	VT4	6.4%	7%	PR	CA/SA/D	x	x
	Vijf Tv	2.4%	4.2%	PR	CA/SA/D	x	x
	Prime One			PY	CA/D	x	x
	Prime Action			PY	CA/D	x	x
	Prime Movies			PY	CA/D	x	x
	Prime One +1			PY	CA/D	x	x
	Prime Action +1				CA/D	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Prime Fezztival			PY	CA/D	x	x
	Canal+ Rood					x	
	Canal+ Blauw					x	
	Canal+ Geel					x	
	Fezztival					x	
FR	Club RTL	5.1%	5.1%	PR	CA/IP	x	NC
CY	CyBC-2			PS	TE	x	√
	Sigma			PR	TE	x	x
CZ	HBO	NC	NC	PR	SA	x	x
	HBO 2	NC	NC	PR	SA	x	x
	Cinemax	NC	NC	PR	SA	x	x
	Nonstop kino	NC	NC	PR	SA	NO	x
DK	TV 2	36%	22.6%	PS	TE	x	x
	TV 2 Zulu	2.8%	2.9%	PS/PR	SA	x	x
	TV 2 Film	1.1%	0.8%	PR	SA	x	x
	Kanal 4	3.9%	3%	PR	SA	x	x
DE	JETIX				SA/CA	x	x
	Premiere		2.1%	PY	SA/CA	x	x
	Kabel 1	3.8%	3.6%	PR	SA/CA/I P/D	x	x
	Kabel 1 classics			PY	CA/IP/D	NO	x
	Sat1 comedy			PY	CA/IP/D	NO	x
	RTL2	4.2%	3.8%	PR	SA/CA/ D	x	x
	Super RTL	2.8%	2.6%	NI	SA/CA/I P/D	x	x
	Disney Channel			PY	SA/CA/I P	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Playhouse Disney			PY	CA/IP	x	x
	TOON Disney			PY	CA/IP	x	x
	MTV	0.4%	0.4%		SA/CA/D	x	x
	VIVA	0.5%	0.6%		SA/CA/D	x	x
	VIVA Plus	0.3%	0.2%		SA/CA/D	√	x
	NICK		0.5%		SA/CA	x	x
	VOX	4.2%	4.8%	PR	SA/CA/I P/D	x	x
	Discovery Channel			PY	SA/CA	x	x
	DMAX	0.2%	0.4%	PR	SA/CA/I P/D	NO	x
GR	STAR CHANNEL	11.5%	10.4%	PR	TE	x	x
	DISCOVERY				SA	√	x
	NATIONAL GEOGRAPHIC				SA	x	x
	MGM				SA	x	x
	CHANNEL OF THE GREEK PARLIAMENT				SA	√	x
	ET3				SA	√	x
	EUROVISION CHANNEL				SA	x	√
	FILMNET 2				SA	x	x
	FILMNET 3				SA	x	√
	FILMNET SUMMER				SA	x	x
	MOTORS TV			Other	SA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	HISTORY CHANNEL				SA	x	x
	JETIX				SA	x	x
	CARTOON NETWORK				SA	x	x
	MTV				SA	x	x
	VH1				SA	x	x
	TCM				SA	x	x
	ALFA TV - CYPRUS				SA	x	NO
	L T V - CYPRUS				SA	x	NO
ES	Cosmopolitan	0.11%	0.2%	PR	SA/CA/I P	x	x
	FOX	0%	0%	PR	SA/CA	x	x
	Calle 13	4.72%	3.22%	PR	SA/CA/I P	x	x
	SCI FI	NO	0.93%	PR	SA/CA/I P	NO	x
	Nickelodeon	4.2%	5.4%	PR	SA/CA/I P	x	x
	Canal +	0.47%	0.46%	PR	TE/SA	√	x
	Cinemanía	0.08%	0.06%	PR	SA	x	x
	Disney Channel	0.1%	0.17%	PR	SA/CA/I P	x	x
	Disney Channel+1	0.07%	0.09%	PR	SA/CA/I P	x	x
	Toon Disney	0.01%	0.09%	PR	SA/CA/I P	x	x
	Las Provincias TV	NO	0%	PR	TE/D	NO	x
	Tv Canaria	0.4%	0.4%	PS	TE/A	x	x
FR	Tchatte TV				CA/SA	x	NC

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
IE	RTÉ Two	12.1%	13%	PS	TE	x	x
	TV3			PR	TE	x	x
IT	ITALIA 1			PR	TE	x	x
	Duel			PR	SA	x	NC
	SKY CINEMA HD			PR	SA	NO	x
	SKY SPORT 24			PR	SA	NO	x
	Sky Cinema 1			PR	SA	x	x
	Sky Cinema 16:9			PR	SA	x	x
	Sky Cinema 2			PR	SA	x	x
	Sky Cinema 3			PR	SA	x	x
	Sky Cinema Max			PR	SA	x	x
	Jimmy			PR	SA	x	x
	FOX			PR	SA	x	x
	FOXCRIME			PR	SA	x	x
	FOXLIFE			PR	SA	x	x
	FOXLIFE (second version)			PR	SA	x	√
	FX			PR	SA	NO	x
		National Geographic Channel (second version)			PR	SA	x
	National Geographic Channel (third version)			PR	SA	√	x
	Next HD			PR	SA	NO	x
	RTB INTERNATIONAL			PR	SA	√	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	RETEBRESCIA			PR	SA	√	x
	E'TV MARCHE			PR	SA	NC	x
	E'TV RETE 7			PR	SA	x	x
	Radio Italia TV			PR	SA	√	x
	SICILIA CHANNEL			PR	SA	x	x
	GBR			PR	TE	x	x
	Delta tv			PR	SA	x	x
	TELEGENOVA			PR	SA	NC	x
	Incremento finanziario			PR	SA	NO	x
	LIBERA			PR	SA	x	x
	Italiani nel mondo channel			PR	SA	√	x
	STUDIO 100 TV			PR	SA	x	x
	LA 9			PR	SA	x	√
	L'ANTENNA SRL-OASI TV			PR	SA	x	x
	MATCH MUSIC			PR	SA	x	x
	Studio Universal			PR	SA	x	x
	ROMA SAT			PR	SA	NO	x
	Key Tv			PR	SA	x	NC
	RETE ORO			PR	SA	x	x
	ROCK TV			PR	SA	x	x
	SARDINIA CHANNEL			PR	SA	x	x
	Telelibera 63			PR	SA	x	x
	TELESUD			PR	SA	NO	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	TELE- LOMBARDIA SAT			PR	SA	x	x
	BERGAMO TV			PR	SA	x	x
	RETECAPRI			PR	TE	NC	x
	TBNE			PR	SA	x	√
	VIDEOFIRENZE			PR	SA	x	x
	TVA VICENZA			PR	SA	x	√
LV	LNT	21.10%	27.60%	PR	TE	√	x
LT	LNK	24.8%	23.4%	PR	TE	x	x
	TV3	25.7%	24.5%	PR	TE	x	x
LU	Club			PR	TE/CA	x	x
	RTL 9			PR	SA/CA	√	x
	RTL 9			PR	TE	√	x
HU	Viasat3	3.7%	4.3%	PR	SA	x	x
	HBO	0%	0.3%	Other	SA	x	x
	HBO2	NC	NC	Other	SA	NC	x
	BPTV			PR	SA	x	√
NL	Nick Jr	<3.5%	<3.5%	PR	CA	NO	x
	MTV The Netherlands	0.7%	0.7%	PR	CA	x	x
	Nickelodeon	2.2%	1.8%	PR	CA	x	x
	Net 5	4.3%	4%	PR	CA	x	x
	SBS 6	9.8%	9.6%	PR	CA	x	√
	The Box	0.3%	0.4%	PR	CA	NC	x
	Veronica/Jetix	3%	3.3%	PR	CA	x	√
	Irisz	<3.5%	<3.5%	PR	SA/CA	x	√

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Club	<3.5%	<3.5%	PR	CA	x	NO
	Club (EE)	<3.5%	<3.5%	PR		x	NO
	The Family 7 Channel	<3.5%	<3.5%	PR	CA	x	√
	Clear TV	<3.5%	<3.5%	PR	CA	x	NC
	Arrivo	<3.5%	<3.5%	PR	CA	x	x
	Arrivo (Austria)	<3.5%	<3.5%	PR	CA	x	x
	Arrivo (Germany)	<3.5%	<3.5%	PR		x	x
	Arrivo (Norway)	<3.5%	<3.5%	PR		x	x
	Arrivo (Sweden)	<3.5%	<3.5%	PR		x	x
	Arrivo (Switzerland)	<3.5%	<3.5%	PR		x	x
	Film 1.1 (formerly Canal+)	<3.5%	<3.5%	PR	CA	EX	x
	Film 1.2 (formerly Canal+)	<3.5%	<3.5%	PR	CA	EX	x
	Backroom/FreeX TV2	<3.5%	<3.5%	PR	CA	x	x
	Free-X TV	<3.5%	<3.5%	PR	CA	x	x
	Free-X TV Light	<3.5%	<3.5%	PR	CA	x	NO
	Xdream	<3.5%	<3.5%	PR	CA	x	√
	Intimacy (formerly Exotica)	<3.5%	<3.5%	PR	CA	x	EX
	Full-X 1	<3.5%	<3.5%	PR	CA	√	x
	Full-X 2	<3.5%	<3.5%	PR	CA	x	x
	Full-X 3	<3.5%	<3.5%	PR	CA	NC	x
	Blue Hustler	<3.5%	<3.5%	PR	CA	√	x
	Hustler TV	<3.5%	<3.5%	PR	CA	x	x
	XXX Xtreme	<3.5%	<3.5%	PR	CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Livesex tv	<3.5%	<3.5%	PR	CA	x	√
	Spice	<3.5%	<3.5%	PR	CA	NO	x
AT	ORF 1			PS	TE/SA/C A/D/A	x	x
	ATV+			PR	TE/SA/C A/D/A	x	x
	Premiere Österreich			PY	SA/CA	x	x
	INXTC TV			PR/NI	SA	x	x
PL	TVN Siedem	1.6%	1.4%	PR	SA/D	x	x
	Canal+Polska	0.2%	0.1%	PR	SA/D	x	x
	Canal+Polska Żółty	0.1%	0.1%	PR	SA/D	x	x
	Ale Kino	0.2%	0.2%	PR	SA/D	√	x
	Mini Mini	0.4%	0.4%	PR	SA/D	x	√
	Tele 5	0.3%	0.3%	PR	SA/D	x	x
	Trochę Młodsza Telewizja (TMT)			PR	SA/D	x	√
PT	SIC			PR	TE/SA/C A	x	√
	SIC Radical			PR	SA/CA	x	x
	SIC Mulher				SA/CA	x	x
	SIC Comédia				SA/CA	x	x
SI	Kanal A	NC	NC	PR	TE	x	x
	POP TV	NC	NC	PR	TE	x	√
	TV 3	63%	73%	PR	TE/CA	x	√
	Čarli TV	NC	50%	PR	TE/CA	x	x
	TV LEP LOGATEC	NC	NC	Other	CA	NC	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	ATV SIGNAL LITIJA	NC	NC	PR	TE	x	NC
	TELEVIZIJA CELJE	NC	10%	PR	TE/CA	x	√
	KANAL 10	NC	11%	PR	TE	NC	x
	TV PIKA	NC	NC	PR	TE/SA/CA	x	x
	NET TV	NC	60%	PR	CA	x	x
	GORENJSKA TELEVIZIJA - GTV	NC	NC	PR	CA	x	x
	EPTV	NC	NC	PR	TE	x	x
	TV R Kanal +	NC	NC	PR	CA	NC	x
FI	MTV3	33%	29%	PR	TE/SA/CA	x	x
	Subtv	4%	5%	PR	TE/CA	x	x
SE	TV400	0.2%	0.4%	PR	TE/SA/CA/IP/D/A	x	x
	TV4 Film	0.3%	0.6%	NI	TE/SA/CA/IP/D/A	x	x
	TV4 Komedi	NO	0.2%	NI	SA/CA	NO	x
	TV4 Guld	NO	0.1%	NI	SA/CA	NO	x
	Canal+/Mix	0.3%	0.5%	NI	TE/SA/CA/IP/D/A	x	x
	C+ Film 1	0.2%	0.2%	NI	TE/SA/CA/IP/D/A	x	x
	C+ Film 2	0.1%	0.2%	NI	TE/SA/CA/IP/D/A	x	x
	C+ Film 3		0.1%	NI	TE/SA/	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
					CA/IP/D/A		
	Film HD	0.1%	0.1%	NI	TE/SA/CA/IP/D/A	NO	x
	Cmore 1			NI	TE/SA/CA/IP/D/A	x	x
	Cmore 2			NI	TE/SA/CA/IP/D/A	x	x
	TV 1000 Family	0.07%	0.15%	NI	SA	x	x
	TV1000 Sverige	0.21%	0.29%	NI	SA	x	x
	TV1000 Action	0.1%	0.2%	NI	SA	x	x
	TV1000 Classic	0.03%	0.05%	NI	SA	x	x
	Showtime		0.1%	NI	SA/CA/IP	x	x
	Silver	NO		NI	TE/SA/CA/IP/D/A	NO	x
	LifeStyleTV	NO		NI	SA	NO	x
	Di TV			PR	SA/CA	√	x
UK	Film 4			PR/NI	SA/CA/D	x	x
	Film Four Weekly			PR/NI	SA/CA	x	x
	AXN			PR/NI	SA/CA	x	x
	AXN (Italy)			PR/NI	SA/CA	x	x
	AXN Crime			PR/NI	SA/CA	NO	x
	AXN Sci Fi			PR/NI	SA/CA	NO	x
	AXN (Germany, Switzerland, Austria)			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Baby TV			PR/NI	SA/CA	x	x
	REN TV (Baltic version)			PR/NI	SA/CA	NO	x
	Kerrang	0.1%	0.1%	PR/NI	SA/CA	x	x
	Kiss	0.1%	0.1%	PR/NI	SA/CA	x	x
	Magic	0.2%	0.2%	PR/NI	SA/CA	x	√
	Smash Hits	0.1%	0.1%	PR/NI	SA/CA	x	√
	100% Babes			PR/NI	SA/CA	x	x
	XXX TV			PR/NI	SA/CA	x	x
	Hustler TV UK			PR/NI	SA/CA	x	x
	18 Plus Movies			PR/NI	SA/CA	x	x
	Sky Box Office			PR/NI	SA/CA	x	x
	Sky Movies Action/Thriller	0.4%	0.3%	PR/NI	SA/CA	x	x
	Sky Movies Comedy	0.4%	0.4%	PR/NI	SA/CA	x	x
	Sky Movies Premier	0.1%	0.1%	PR/NI	SA/CA	x	X
	Sky One	1.9%	1.7%	PR/NI	SA/CA	x	x
	Sky Two	0.5%	0.5%	PR/NI	SA/CA	x	x
	CNBC Europe			PR/NI	SA/CA	x	x
	CNBC Europe (Central)			PR/NI	SA/CA	x	x
	POP	0.1%	0.1%	PR/NI	SA/CA	x	x
	Tiny Pop	0.2%	0.1%	PR/NI	SA/CA	x	x
	Animal Planet (Italy)			PR/NI	SA/CA	x	√
	Discovery (Central & Eastern Europe)			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Discovery (Middle East, Africa and Turkey)			PR/NI	SA/CA	x	x
	Discovery Channel (Italy)			PR/NI	SA/CA	NO	x
	Discovery Channel (UK)	0.5%	0.4%	PR/NI	SA/CA	NO	x
	Discovery Channel (Benelux)			PR/NI	SA/CA	NO	x
	Discovery Channel (Nordic)			PR/NI	SA/CA	NO	x
	Discovery Channel (France)			PR/NI	SA/CA	x	x
	Discovery Civilisation (Middle East)			PR/NI	SA/CA	NO	x
	Discovery Civilisation Channel (Italy)			PR/NI	SA/CA	x	√
	Discovery HD			PR/NI	SA/CA	NO	x
	Discovery HD Europe			PR/NI	SA/CA	NO	x
	Discovery Kids			PR/NI	SA/CA	x	√
	Discovery Science (UK)		0.1%	PR/NI	SA/CA	NO	x
	Discovery Science Channel (Italy)			PR/NI	SA/CA	x	x
	Discovery Travel & Living (Italy)			PR/NI	SA/CA	√	x
	ACTIONMAX			PR/NI	SA/CA	√	x
	Movies4Men			PR/NI	SA/CA	√	x
	E!		0.1%	PR/NI	SA/CA	x	x
	E! Entertainment Television			PR/NI	SA/CA	NO	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	(France)						
	E! Entertainment Television (Italy)			PR/NI	SA/CA	x	x
	E! Entertainment Television (UK & Ireland)			PR/NI	SA/CA	NO	x
	EWTN			PR/NI	SA/CA	x	x
	Living TV	0.9%	0.8%	PR/NI	SA/CA	x	x
	Trouble	0.3%	0.2%	PR/NI	SA/CA	x	x
	f/x Channel	0.2%	0.2%	PR/NI	SA/CA	x	x
	FX+		0.1%	PR/NI	SA/CA	NO	x
	Front Row			PR/NI	SA/CA	x	x
	DoveVision TV			PR/NI	SA/CA	NC	x
	Unity TV			PR/NI	SA/CA	NO	x
	ITV4		0.5%	PR/NI	SA/CA/ D	x	x
	Jetix Poland			PR/NI	SA/CA	x	√
	Jetix UK			PR/NI	SA/CA	x	x
	Kanal 5			PR/NI	SA/CA	x	x
	Life TV			PR/NI	SA/CA	x	x
	Life Showcase Limited			PR/NI	SA/CA	x	√
	Life 24			PR/NI	SA/CA	x	x
	Loveworld TV			PR/NI	SA/CA	x	x
	True Movies	0.3%	0.2%	PR/NI	SA/CA	x	x
	True Movies 2			PR/NI	SA/CA	NO	x
	Comedy Central Polska			PR/NI	SA/CA	NO	x
	MTV (Ireland)			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	MTV Base	0.1%	0.1%	PR/NI	SA/CA	x	x
	MTV Denmark			PR/NI	SA/CA	x	√
	MTV Europe (North)			PR/NI	SA/CA	√	x
	MTV Finland			PR/NI	SA/CA	x	x
	MTV Nordic (Sweden)			PR/NI	SA/CA	NO	x
	MTV Norway			PR/NI	SA/CA	x	x
	MTV Polska			PR/NI	SA/CA	√	x
	MTV Portugal			PR/NI	SA/CA	x	x
	MTV UK	0.3%	0.2%	PR/NI	SA/CA	x	x
	Nickelodeon (France)			PR/NI	SA/CA	x	x
	Nickelodeon Europe			PR/NI	SA/CA	x	x
	Nickelodeon Portugal			PR/NI	SA/CA	x	x
	Nickelodeon Scandinavia			PR/NI	SA/CA	x	x
	VH1	0.2%	0.1%	PR/NI	SA/CA	x	√
	VH1 - Export			PR/NI	SA/CA	x	x
	VH1 Classic	0.1%	0.1%	PR/NI	SA/CA	x	x
	VH1 Europe Classics			PR/NI	SA/CA	√	x
	VH1 Polska			PR/NI	SA/CA	√	x
	National Geographic Channel	0.1%	0.1%	PR/NI	SA/CA	x	x
	National Geographic Channel - Central Europe			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	National Geographic Channel Benelux			PR/NI	SA/CA	x	x
	National Geographic Channel HD			PR/NI	SA/CA	NO	x
	Wild			PR/NI	SA/CA	x	x
	Nick Jr	0.5%	0.5%	PR/NI	SA/CA	x	√
	Nick Jr (Eire)			PR/NI	SA/CA	x	√
	Nickelodeon	0.3%	0.3%	PR/NI	SA/CA	x	x
	Nickelodeon (Eire)			PR/NI	SA/CA	x	x
	Nicktoons	0.4%	0.3%	PR/NI	SA/CA	x	x
	Nicktoons TV			PR/NI	SA/CA	x	x
	Select Kino			PR/NI	SA/CA	NO	x
	Paramount Comedy	0.2%	0.3%	PR/NI	SA/CA	x	x
	Paramount Comedy 2	0.2%	0.2%	PR/NI	SA/CA	x	√
	Paramount Comedy Ireland			PR/NI	SA/CA	x	x
	Playboy			PR/NI	SA/CA	x	x
	Playboy (France)			PR/NI	SA/CA	x	x
	Playboy One		0.1%	PR/NI	SA/CA	x	x
	Playboy TV			PR/NI	SA/CA	x	x
	Spice Extreme			PR/NI	SA/CA	√	x
	Trade.TV			PR/NI	SA/CA	NO	x
	Television X 2			PR/NI	SA/CA	x	√
	Television X 3			PR/NI	SA/CA	x	√

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Television X 4			PR/NI	SA/CA	x	√
	Only 18			PR/NI	SA/CA	x	√
	Red Hot All Girl			PR/NI	SA/CA	x	√
	Red Hot Wives			PR/NI	SA/CA	x	√
	SBS Broadcasting Network			PR/NI	SA/CA	x	√
	The Voice TV (Norway)			PR/NI	SA/CA	x	x
	The Voice TV (Sweden)			PR/NI	SA/CA	x	x
	Kanal 4			PR/NI	SA/CA	NO	x
	Kanal 5 Denmark			PR/NI	SA/CA	x	x
	Sci Fi TV	0.4%	0.3%	PR/NI	SA/CA	x	x
	Sci Fi Channel Europe			PR/NI	SA/CA	x	x
	Hallmark Channel	0.8%	0.5%	PR/NI	SA/CA	NO	x
	Hallmark Channel (Central Europe)			PR/NI	SA/CA	x	x
	Hallmark Channel (Czech Republic)			PR/NI	SA/CA	x	x
	Hallmark Channel (Italy)			PR/NI	SA/CA	x	x
	Hallmark Channel (Scandilux)			PR/NI	SA/CA	x	x
	Hallmark Entertainment Network (UK)			PR/NI	SA/CA	x	x
	Movies 24			PR/NI	SA/CA	NO	x
	Movies 24 +			PR/NI	SA/CA	NO	x
	Crime & Investigation Network			PR/NI	SA/CA	NO	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	History Channel HD			PR/NI	SA/CA	NO	x
	The Biography Channel	0.1%	0.1%	PR/NI	SA/CA	x	x
	The History Channel	0.2%	0.1%	PR/NI	SA/CA	x	x
	ABC 1	0.2%	0.4%	PR/NI	SA/CA/D	x	x
	Disney Channel	0.3%	0.4%	PR/NI	SA/CA	x	x
	Disney Channel Middle East			PR/NI	SA/CA	x	x
	Disney Cinemagic			PR/NI	SA/CA	x	x
	Playhouse Disney	0.1%	0.2%	PR/NI	SA/CA	x	√
	Ontv			PR/NI	SA/CA	NO	x
	Boomerang (French)			PR/NI	SA/CA	NO	x
	Boomerang (German)			PR/NI	SA/CA	NO	x
	Boomerang (Italian)			PR/NI	SA/CA	x	x
	Boomerang (Pan-European)	0.6%	0.4%	PR/NI	SA/CA	x	x
	Boomerang (Spain)			PR/NI	SA/CA	x	x
	Cartoon Network (EMEA)			PR/NI	SA/CA	x	x
	Cartoon Network (Italian)			PR/NI	SA/CA	x	x
	Cartoon Network (Nordic)			PR/NI	SA/CA	x	x
	Cartoon Network (Spanish language)			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Cartoon Network Too	0.1%	0.1%	PR/NI	SA/CA	NO	x
	Cartoon Network UK	0.3%	0.3%	PR/NI	SA/CA/D	x	x
	Cartoon Network/Turner Classic Movies (CEE)			PR/NI	SA/CA	x	x
	Cartoon Networks Boomerang			PR/NI	SA/CA	x	x
	TCM (French language)			PR/NI	SA/CA	x	x
	TCM (Germany)			PR/NI	SA/CA	NO	x
	TCM (Spanish language)			PR/NI	SA/CA	x	x
	TCM (Turner Classic Movies)	0.3%	0.2%	PR/NI	SA/CA	x	x
	TCM Pan-European			PR/NI	SA/CA	x	x
	TCM2			PR/NI	SA/CA	NO	x
	Toonami			PR/NI	SA/CA	x	x
	UCBTV			PR/NI	SA/CA	x	√
	3+			PR/NI	SA/CA	x	x
	TV3 Denmark			PR/NI	SA/CA	x	x
	TV3 Norway			PR/NI	SA/CA	x	x
	TV3 Sweden			PR/NI	SA/CA	x	x
	TV6			PR/NI	SA/CA	√	x
	Viasat Explorer			PR/NI	SA/CA	x	√
	ZTV Norway			PR/NI	SA/CA	x	x
	Zone Europa			PR/NI	SA/CA	x	x
	Zone Fantasy			PR/NI	SA/CA	NO	x

Member State	Channel	AS 2005	AS 2006	Type	TM	C 2005	C 2006
	Zone Horror	0.1%	0.1%	PR/NI	SA/CA	x	x
	Zone Horror (Netherlands)			PR/NI	SA/CA	NO	x
	Zone Reality	0.1%	0.1%	PR/NI	SA/CA	x	x
	Zone Reality (EMEA 2)			PR/NI	SA/CA	x	x
	Zone Reality (UK)	0.1%	0.1%	PR/NI	SA/CA	x	x
	Zone Reality +1	0.1%	0.1%	PR/NI	SA/CA	x	x
	Zone Reality Extra			PR/NI	SA/CA	x	x
	Zone Romantica			PR/NI	SA/CA	x	x
	Zone Thriller			PR/NI	SA/CA	x	x

BACKGROUND DOCUMENT 9 — List of television channels in the Member States which failed to achieve the minimum proportion required by Article 5

Type		Transmission mode (TM)		Conformity (C)	
PS	Public service	TE	Terrestrial	√	Target met
PR	Commercial	SA	Satellite	X	Target not met
PY	Pay-TV	CA	Cable	NC	Data not communicated
IA	Interactive	IP	Internet	NO	Channel not in operation
NI	Niche/special interest	D	Digital	EX	Channel excluded
Other	Sports/news/ teleshopping/ near-video-on-demand	A	Analogue		
		DVB-H	Digital video broadcasting - handheld		

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
BE							
FL	Canvas				SA/CA	x	x
FR	11TV			PY	IP	NO	x
CY	CyBC-1			PS	TE	x	x
	CyBC-2			PS	TE	x	x
	Antenna			PR	TE	x	x
	Mega			PR	TE	x	x
CZ	HBO	NC	NC	PR	SA	NC	x
	HBO 2	NC	NC	PR	SA	NC	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Cinemax	NC	NC	PR	SA	NC	x
	CS film	NC	NC	PR	SA	NC	x
	RTA ZLÍN	NC	NC	PR	TE	NC	x
	RTA JIŽNÍ ČECHY	NC	NC	PR	TE	NC	x
	RTA OSTRAVA	NC	NC	PR	TE	NC	x
	RTM	NC	NC	PR	TE	NC	x
	RTA VÝCHODNÍ ČECHY	NC	NC	PR	TE	NC	x
DK	TV/MIDTVEST	3.5%	3.2%	PS	TE	x	√
	TV 2/NORD	3.5%	3.2%	PS	TE	x	x
	TV 2 /ØSTJYLLAND	3.5%	3.2%	PS	TE	x	x
	TV 2 LORRY	3.5%	3.2%	PS	TE	x	x
	TV 2/FYN	3.5%	3.2%	PS	TE	x	x
	TV 2 ØST	3.5%	3.2%	PS	TE	x	x
	TV 2/BORNHOLM	3.5%	3.2%	PS	TE	x	x
	DK4			PR	SA	x	x
	24NORDJYSKE			NI	SA	x	x
DE	Phoenix	0.6%	0.7%	PS	SA/CA/D	x	x
	TOON Disney			PY	CA/IP	x	x
GR	NET	9.1%	10.1%	PS	TE/D	x	x
	DISCOVERY				SA	√	x
	MGM				SA	x	x
	CHANNEL OF THE GREEK PARLIAMENT				SA	x	x
	ET3				SA	x	√
	EUROVISION CHANNEL				SA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	FILMNET SUMMER				SA	√	x
	SUPERSPORT 1			Other	SA	x	x
	SUPERSPORT 2			Other	SA	x	x
	SUPERSPORT 3			Other	SA	x	x
	SUPERSPORT SPECIAL/ SUPERSPORT 4			Other	SA	x	x
	MOTORS TV			Other	SA	x	x
	HISTORY CHANNEL				SA	x	x
	MEZZO				SA	x	x
	JETIX				SA	x	x
	CARTOON NETWORK				SA	x	x
	CHASSE & PECHE				SA	x	NC
	MTV				SA	x	x
	VH1				SA	x	x
	TCM				SA	x	x
	MAD MUSIC AWARDS				SA	x	x
	ALFA TV - CYPRUS				SA	x	NO
ES	AXN	0.02%	0.02%	PR	SA/CA/ IP	x	√
	Cosmopolitan	0.11%	0.2%	PR	SA/CA/ IP	√	x
	SCI FI	NO	0.93%	PR	SA/CA/ IP	NO	x
	Canal Extremadura tv			PS	TE/D/A	x	x
	Telemadrid	2.2%	1.7%	PS	TE/D/A	x	√
FR	TMC		3.8%	PR	D	x	√
	W9		3.3%	PR	D	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	AB 1 (2)	0.3%	0.3%		SA/CA	√	x
	Berbère TV				SA/CA/ IP	NC	x
	Demain				SA/CA/ IP	NC	x
	Game One	0.1%	0.1%		SA/CA	√	x
	Tchatte TV				SA/CA	x	NC
	TF6 (2)	1.1%	1%		SA/CA	√	X
IT	Gambero Rosso			PR	SA	x	x
	RaiSat Ragazzi			PR	SA	x	x
	RaiSat Smash			PR	SA	NO	x
	RaiSat YoYo			PR	SA	NO	x
	RaiSat Cinema			PR	SA	x	x
	RaiSat Premium			PR	SA	x	x
	RaiSat Extra			PR	SA	x	x
	SKY CINEMA HD			PR	SA	NO	x
	SKY CINE SHOTS			PR	SA	NO	x
	SKY SPORT HD			PR	SA	NO	x
	SKY SPORT MOBILE			PR	DVBH	NO	x
	SKY VIVO MOBILE			PR	DVBH	NO	x
	SKY SHOW			PR	SA	NO	x
	SKY SHOW MOBILE			PR	DVBH	NO	x
	SKY SPORT 24			PR	SA	NO	x
	Calcio Sky			PR	SA	x	x
	Diretta Gol			PR	SA	x	x
	Sky + Sky 112			PR	SA	x	NO

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Sky 109 + Sky Vivo			PR	SA	x	x
	Sky Assist			PR	SA	x	x
	Sky Cinema 1			PR	SA	x	√
	Sky Cinema 16:9			PR	SA	x	x
	Sky Cinema 2			PR	SA	x	√
	Sky Cinema 3			PR	SA	x	x
	Sky Cinema Max			PR	SA	x	x
	Sky Meteo 24			PR	SA	x	x
	Sky On Air			PR	SA	x	x
	Sky Primafila			PR	SA	x	x
	Sky Sport			PR	SA	x	x
	Sky Sport 1			PR	SA	x	x
	Sky Sport 2			PR	SA	x	x
	Sky Sport 3			PR	SA	x	x
	Sky Sport Extra			PR	SA	x	x
	Sky Tg 24			PR	SA	x	x
	La7 Sport			PR	TE/D	x	√
	Planet			PR	SA	√	x
	SAILING CHANNEL			PR	SA	√	x
	SAILING CHANNEL (second version)			PR	SA	NO	x
	Caccia e Pesca			PR	SA	√	x
	Jimmy			PR	SA	√	x
	Polonia 1			PR	SA	x	x
	Tele 5			PR	SA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	FOX			PR	SA	x	x
	FOXCRIME			PR	SA	x	x
	FOXLIFE (second version)			PR	SA	x	√
	FX			PR	SA	NO	x
	Alice			PR	SA	x	√
	E'TV MARCHE			PR	SA	NC	x
	E'TV RETE 7			PR	SA	x	x
	Playlist ITALIA			PR	SA	x	NC
	Radio Italia TV			PR	SA	x	x
	VIDEO ITALIA			PR	SA	x	x
	Studio Europa			PR	SA	x	x
	Telestudio Modena			PR	SA	x	x
	SICILIA CHANNEL			PR	SA	x	x
	CLASS CNBC			PR	SA	x	x
	GBR			PR	TE	√	x
	Delta tv			PR	SA	x	x
	TELEGENOVA			PR	SA	NC	x
	Incremento finanziario			PR	SA	NO	x
	STUDIO 100 TV			PR	SA	x	x
	LA 9			PR	SA	x	√
	L'ANTENNA SRL-OASI TV			PR	SA	x	x
	MATCH MUSIC			PR	SA	√	x
	MEDIOLANUM CHANNEL			PR	SA	x	x
	ROMA SAT			PR	SA	NO	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Milan Channel			PR	SA	x	√
	Key Tv			PR	SA	x	NC
	RETE ORO			PR	SA	x	x
	ROCK TV			PR	SA	x	x
	SARDEGNA UNO TV			PR	SA	x	x
	SARDINIA CHANNEL			PR	SA	x	x
	Telelibera 63			PR	SA	x	x
	TELESUD			PR	SA	NO	x
	TELELOMBARDIA SAT			PR	SA	x	x
	BERGAMO TV			PR	SA	x	x
	RETECAPRI			PR	TE	NC	x
	TBNE			PR	SA	x	x
	MEDITERRANEO SAT			PR	SA	x	√
	TVA VICENZA			PR	SA	x	√
LT	LNK	24.8%	23.4%	PR	TE	x	x
LU	Nordlicht TV	NC	NC	PR	SA/CA	x	x
HU	Viasat3	3.7%	4.3%	PR	SA	x	√
	BPTV	NC	NC	PR	SA	x	√
	HirTV	NC	NC	Other	SA	x	x
NL	Zeeland	<3.5%	<3.5%	PS	TE/CA	√	x
	Private Gold	<3.5%	<3.5%	PR	CA	x	NO
	Hustler TV	<3.5%	<3.5%	PR	CA	x	x
	XXX Xtreme	<3.5%	<3.5%	PR	CA	x	x
PL	TVN MED			PR	SA/D	NO	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	TVN GRA			PR	SA/D	NO	x
	TVN 24	1.2%	2%	PR	SA/D	x	x
	TVN Meteo	0.1%	0.1%	PR	SA/D	x	x
	EDUSAT			PR	SA/D	x	x
	EDUSAT BIS			PR	SA/D	x	x
	4fun.tv	0.1%	0.1%	PR	SA/D	√	x
	Tele 5	0.3%	0.3%	PR	SA/D	√	x
	iTV	0%	0.1%	IA	SA/D	x	√
	Trochę Młodsza Telewizja (TMT)			PR	SA/D	x	√
PT	SIC Radical			PR	SA/CA	x	√
	SIC Mulher				SA/CA	√	x
	TVI			PR	TE/SA/CA	x	x
SI	POP TV	NC	NC	PR	TE	x	√
	TV 3	63%	73%	PR	TE	x	√
	RTS	NC	NC	PR	TE	x	x
	ATV SIGNAL LITIJA	NC	NC	PR	TE	x	NC
	TELEVIZIJA CELJE	NC	10%	PR	CA/TE	x	√
	KANAL 10	NC	11%	PR	TE	NC	x
	GORENJSKA TELEVIZIJA - GTV	NC	NC	PR	CA	x	x
FI	Subtv	4%	5%	PR	TE/CA	x	√
SE	Viasat Nature/Crime	0.4%	0.3%	NI	SA	x	
	Aftonbladet TV7	NO		PR	TE	NO	x
	Di TV			PR	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
UK	Film 4			PR/NI	SA/CA/D	x	x
	Film Four Weekly			PR/NI	SA/CA	√	x
	Muslim TV Ahmadiyya International			PR/NI	SA/CA	x	x
	AXN			PR/NI	SA/CA	x	x
	AXN (Italy)			PR/NI	SA/CA	x	x
	AXN Crime			PR/NI	SA/CA	NO	x
	AXN Sci Fi			PR/NI	SA/CA	NO	x
	AXN (Germany, Switzerland, Austria)			PR/NI	SA/CA	x	x
	Baby TV			PR/NI	SA/CA	x	x
	REN TV (Baltic version)			PR/NI	SA/CA	NO	x
	Turn on TV			PR/NI	SA/CA	NO	x
	Kiss	0.1%	0.1%	PR/NI	SA/CA	x	√
	18 Plus Movies			PR/NI	SA/CA	x	√
	Sky Box Office			PR/NI	SA/CA	x	x
	Sky Movies Action/Thriller	0.4%	0.3%	PR/NI	SA/CA	x	x
	Sky Movies Comedy	0.4%	0.4%	PR/NI	SA/CA	x	x
	Sky Movies Premier	0.1%	0.1%	PR/NI	SA/CA	x	x
	Sky Venue			PR/NI	SA/CA	x	x
	Rockworld			PR/NI	SA/CA	NO	x
	Channel M TV for Manchester			PR/NI	SA/CA	NO	x
	Bliss			PR/NI	SA/CA	x	√
	Flaunt			PR/NI	SA/CA	x	√
	Scuzz			PR/NI	SA/CA	x	√

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Tiny Pop	0.2%	0.1%	PR/NI	SA/CA	x	√
	Animal Planet (Italy)			PR/NI	SA/CA	x	√
	Discovery (Central & Eastern Europe)			PR/NI	SA/CA	√	x
	Discovery (Middle East, Africa and Turkey)			PR/NI	SA/CA	√	x
	Discovery Channel (Italy)			PR/NI	SA/CA	NO	x
	Discovery Channel (UK)	0.5%	0.4%	PR/NI	SA/CA	NO	x
	Discovery Channel (Benelux)			PR/NI	SA/CA	NO	x
	Discovery Channel (Nordic)			PR/NI	SA/CA	NO	x
	Discovery Channel France			PR/NI	SA/CA	x	x
	Discovery HD			PR/NI	SA/CA	NO	x
	Discovery HD Europe			PR/NI	SA/CA	NO	x
	Discovery Real Time (France)			PR/NI	SA/CA	x	x
	Discovery Real Time (Italy)			PR/NI	SA/CA	x	√
	Discovery Travel & Living (Italy)			PR/NI	SA/CA	√	x
	Discovery Historia			PR/NI	SA/CA	NO	x
	ACTIONMAX			PR/NI	SA/CA	x	√
	Movies4Men			PR/NI	SA/CA	x	√
	E!		0.1%	PR/NI	SA/CA	√	x
	My Channel			PR/NI	SA/CA	NO	x
	EWTN			PR/NI	SA/CA	x	√
	f/x Channel	0.2%	0.2%	PR/NI	SA/CA	x	x
	FX+		0.1%	PR/NI	SA/CA	NO	x
	Front Row			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	DoveVision TV			PR/NI	SA/CA	NC	x
	Islam Channel			PR/NI	SA/CA	x	x
	Unity TV			PR/NI	SA/CA	NO	x
	ITV3	1.2%	1.4%	PR/NI	SA/CA/D	x	x
	ITV4		0.5%	PR/NI	SA/CA/D	x	x
	The Business Channel			PR/NI	SA/CA	NO	x
	Loveworld TV			PR/NI	SA/CA	√	x
	MUTV			PR/NI	SA/CA	x	x
	True Movies	0.3%	0.2%	PR/NI	SA/CA	x	x
	True Movies 2			PR/NI	SA/CA	NO	x
	Comedy Central Polsk			PR/NI	SA/CA	NO	x
	MTV Polska			PR/NI	SA/CA	√	x
	Nickelodeon (France)			PR/NI	SA/CA	x	x
	Nickelodeon Scandinavia			PR/NI	SA/CA	√	x
	Viva Polska			PR/NI	SA/CA	√	x
	Open Access			PR/NI	SA/CA	x	√
	Paramount Comedy	0.2%	0.3%	PR/NI	SA/CA	x	√
	Paramount Comedy Ireland			PR/NI	SA/CA	x	√
	Playboy			PR/NI	SA/CA	x	x
	Playboy (France)			PR/NI	SA/CA	x	x
	The Voice TV (Norway)			PR/NI	SA/CA	√	x
	The Voice TV (Sweden)			PR/NI	SA/CA	√	x
	Kanal 5 Denmark			PR/NI	SA/CA	√	x
	Sci Fi Channel Europe			PR/NI	SA/CA	x	x

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Hallmark Channel	0.8%	0.5%	PR/NI	SA/CA	NO	x
	Hallmark Channel (Central Europe)			PR/NI	SA/CA	x	x
	Hallmark Channel (Czech Republic)			PR/NI	SA/CA	x	x
	Hallmark Channel (Italy)			PR/NI	SA/CA	x	x
	Hallmark Channel (Scandilux)			PR/NI	SA/CA	x	x
	Movies 24			PR/NI	SA/CA	NO	X
	movies 24 +			PR/NI	SA/CA	NO	X
	The Baby Channel			PR/NI	SA/CA	x	X
	Crime & Investigation Network			PR/NI	SA/CA	NO	X
	History Channel HD			PR/NI	SA/CA	NO	X
	The Biography Channel	0.1%	0.1%	PR/NI	SA/CA	x	X
	The History Channel	0.2%	0.1%	PR/NI	SA/CA	x	X
	ABC 1	0.2%	0.4%	PR/NI	SA/CA/D	x	X
	Disney Channel	0.3%	0.4%	PR/NI	SA/CA	x	X
	Disney Channel Middle East			PR/NI	SA/CA	x	X
	Disney Cinemagic			PR/NI	SA/CA	x	X
	Playhouse Disney	0.1%	0.2%	PR/NI	SA/CA	x	√
	Playhouse Disney (Scandinavia)			PR/NI	SA/CA	NO	X
	The Disney Channel Scandinavia			PR/NI	SA/CA	x	X
	Toon Disney Scandinavia			PR/NI	SA/CA	x	X
	Ontv			PR/NI	SA/CA	NO	X
	Boomerang (German)			PR/NI	SA/CA	NO	X

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Boomerang (Italian)			PR/NI	SA/CA	x	X
	Boomerang (Pan-European)	0.6%	0.4%	PR/NI	SA/CA	x	X
	Cartoon Network (EMEA)			PR/NI	SA/CA	x	X
	Cartoon Network (French language)			PR/NI	SA/CA	x	√
	Cartoon Network (Germany)			PR/NI	SA/CA	NO	X
	Cartoon Network (Italian)			PR/NI	SA/CA	x	X
	Cartoon Network (Spanish language)			PR/NI	SA/CA	x	X
	Cartoon Network Too	0.1%	0.1%	PR/NI	SA/CA	NO	X
	Cartoon Network/Turner Classic Movies (CEE)			PR/NI	SA/CA	x	X
	TCM (French language)			PR/NI	SA/CA	x	X
	TCM (Turner Classic Movies)	0.3%	0.2%	PR/NI	SA/CA	√	X
	TCM Pan-European			PR/NI	SA/CA	√	X
	TCM2			PR/NI	SA/CA	NO	X
	Toonami			PR/NI	SA/CA	x	√
	UKTV Drama	0.2%	0.4%	PR/NI	SA/CA	x	X
	UKTV People	0.2%	0.1%	PR/NI	SA/CA	x	√
	3+			PR/NI	SA/CA	√	X
	3+ (Baltics)			PR/NI	SA/CA	x	X
	TV3 Denmark			PR/NI	SA/CA	x	√
	TV3 Norway			PR/NI	SA/CA	x	X
	TV6			PR/NI	SA/CA	x	√
	Viasat Explorer			PR/NI	SA/CA	x	X

Member State	Channel	AS 2005	AS 2006	Type	TM	2005	2006
	Viasat History			PR/NI	SA/CA	x	X
	ZTV			PR/NI	SA/CA	NO	X
	ZTV Norway			PR/NI	SA/CA	x	X
	Sumo TV			PR/NI	SA/CA	x	X
	Zone Club (Hungary)			PR/NI	SA/CA	√	X
	Zone Europa			PR/NI	SA/CA	x	X
	Zone Fantasy			PR/NI	SA/CA	NO	X
	Zone Horror	0.1%	0.1%	PR/NI	SA/CA	x	X
	Zone Horror (Netherlands)			PR/NI	SA/CA	NO	X
	Zone Reality	0.1%	0.1%	PR/NI	SA/CA	x	X
	Zone Reality (EMEA 2)			PR/NI	SA/CA	x	X
	Zone Reality (UK)	0.1%	0.1%	PR/NI	SA/CA	x	X
	Zone Reality +1	0.1%	0.1%	PR/NI	SA/CA	x	X
	Zone Reality Extra			PR/NI	SA/CA	x	X
	Zone Romantica			PR/NI	SA/CA	x	X
	Zone Thriller			PR/NI	SA/CA	x	x